# Community Involvement Committee



Storage Containers

**Evelyn Honea** 

1	Agenda / Minutes			
2	Administrative Delay – Sept. 11, 2009			
3	Original Ordinance permitting on-site storage in trailers and storage containers			
4	Minutes of Council Actions in 2000			
5	Minutes from Council Committee Meetings - 2007-08			
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Rushefsky, Ibarra Sponsored by: Rush, Stephens	
COUNCIL BILL NO. 2009 - 211	RESOLUTION NO.
A RES	SOLUTION
temporary storage units as esta Resolution No. 9447, Resolutio 9564 and Resolution No. 9615 2010, pending completion of ar	y with respect to the construction, placement, ite storage trailers, storage containers, and ablished in Resolution No. 9401 and extended in No. 9479, Resolution No. 9518, Resolution No. for an additional year to expire on September 10, mendments to Article I, Zoning, of the Springfield f and the Community Involvement Committee
WHEREAS, the City Council adopted lestablishing an administrative delay of 180 da	
WHEREAS, the City Council adopted I extending the administrative delay an addition	Resolution No. 9477 on December 11, 2006, al 120 days; and
WHEREAS, the City Council adopted I extending the administrative delay an addition	Resolution No. 9479 on April 23, 2007, further al 120 days; and
WHEREAS, the City Council adopted I extending the administrative delay an addition	Resolution No. 9518 on August 27, 2007, further al 180 days; and
WHEREAS, the City Council adopted I extending the administrative an additional 180	Resolution No. 9564 on January 28, 2008, further days; and
	Resolution No. 9615 on August 11, 2008, 2008, additional year which will expire on September 10,
WHEREAS, staff has drafted text amer work on the language of the ordinance and ha	ndments, however, additional time is needed to ve additional meetings; and
	ty Involvement Committee met on August 17, istrative Delay for an additional year to allow the

7ر Committee sufficient time to study and make a recommendation to the full Council by July 2010

for action before the Administrative Delay expires; and

WHEREAS, the City Council has the power to administratively delay the processing of development applications through its charter home rule powers contained in Section 1.3 (Powers of the City) and Section 2.16, subsections (20), (22), and (28) (Powers of Council) and as an exercise of its police and nuisance power, which are granted to the City by Article VI, Section 19(a) of the Missouri Constitution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD as follows, that:

Section 1 - The City Council hereby extends the Administrative Delay with respect to the construction, placement, location, and relocation of on-site storage trailers, storage containers, and temporary storage units as established in Resolution No. 9401, first extended in Resolution No. 9447, and further extended in Resolution No. 9479, Resolution No. 9518, Resolution No. 9564, and Resolution No. 9615 for an additional year to expire on September 10, 2010, unless extended further by Council action. All other provisions of the Administrative Delay as established shall remain in effect.

Section 2 - This resolution shall be effective immediately upon adoption.

Mayor
_, City Clerk
Assistant City Attorney
City Manager

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Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: No
Public Hearing: No

Sponsor: Rushefsky, Ibarra, Rush, & Stephens

Date:

August 18, 2009

#### **EXPLANATION TO COUNCIL BILL NO. 2009-**

**ORIGINATING DEPARTMENT:** Planning and Development

**PURPOSE**:

To adopt a resolution extending until September 10, 2010, the existing administrative delay for accepting and processing of applications for preliminary or final plat approval, final development plan approval, rezoning applications, variances, special exceptions, conditional use permits, and building permits for the construction, placement, location, and relocation of on-site storage trailers, storage containers, and temporary storage units within the City limits of the City of Springfield. (Community Involvement Committee and staff recommend approval.)

BACKGROUND INFORMATION: At their July 24, 2006 meeting, the Springfield City Council adopted a resolution establishing an administrative delay and directing staff to conduct a review of the use of land for the location of on-site storage containers and temporary storage units and to present such findings to the Community Involvement Committee and the Planning and Zoning Commission. Since July 2006, City Council has extended the administrative delay five times to accommodate further discussion and consideration of several proposed ordinances relating to permanent and temporary on-site storage in trailers and containers. Council's Community Involvement Committee met on August 17, 2009, and recommended extending the administrative delay until September 10, 2010.

**STAFF COMMENTS:** In 2008, the City Manager's Office hosted several public meetings to identify key issues and work toward a common consensus on how to address outstanding issues. While some progress was been made working with merchants and providers of the storage containers, there is still not a consensus. Work on the amendments are currently on hold but will be restarted soon, requiring an additional administrative delay.

The current administrative delay is scheduled to expire on September 10, 2009. An additional 365 days will extend the administrative delay until September 10, 2010.

**RECOMMENDATION:** Council's Community Involvement Committee recommends that City Council extend the administrative delay until September 10, 2010, for processing applications for preliminary or final plat approval, final development plan approval, rezoning applications, variances, special exceptions, conditional use permits, and building permits for the construction, placement, location and relocation of on-site storage trailers, storage containers, and temporary storage units within the City limits of the City of Springfield.

Submitted by:

Planning and Development

Approved by:

City Manager

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 Sponsored by: Deaver

COUNCIL BILL NO. 2008-243

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#### A RESOLUTION

RESOLUTION

EXTENDING the existing administrative delay with respect to the construction, placement, location, and relocation of on-site storage trailers, storage containers, and temporary storage units as established in Resolution No. 9401 and extended in Resolution No. 9447, Resolution No. 9479, Resolution No. 9518, and Resolution No. 9564 for an additional year pending completion of amendments to Article I, Zoning, of the Springfield Land Development Code. (Staff recommends approval.)

WHEREAS, the City Council adopted Resolution No. 9401 on July 24, 2006, establishing an administrative delay of 180 days; and

WHEREAS, the City Council adopted Resolution No. 9477 on December 11, 2006, extending the administrative delay an additional 120 days; and

WHEREAS, the City Council adopted Resolution No. 9479 on April 23, 2007, further extending the administrative delay an additional 120 days; and

WHEREAS, the City Council adopted Resolution No. 9518 on August 27, 2007, further extending the administrative delay an additional 180 days; and

WHEREAS, the City Council adopted Resolution No. 9564 on January 28, 2008, further extending the administration delay an additional year; and

WHEREAS, staff has drafted text amendments, however, additional time is needed to work on the language of the ordinance and have additional meetings; and

WHEREAS, the City Council has the power to administratively delay the processing of development applications through its charter home rule powers contained in Section 1.3 (Powers of the City) and Section 2.16, subsections (20), (22), and (28) (Powers of Council) and as an exercise of its police and nuisance power, which are granted to the City by Article VI, Section 19(a) of the Missouri Constitution.



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD as follows, that:

<u>Section 1</u> - The City Council hereby extends the administrative delay with respect to the construction, placement, location, and relocation of on-site storage trailers, storage containers, and temporary storage units as established in Resolution No. 9401, first extended in Resolution No. 9447, and further extended in Resolution No. 9479, Resolution No. 9518, and Resolution No. 9564 for an additional year.

Section 2 - This resolution shall be effective immediately upon adoption.

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Passed at meeting: <u>August 11, 2008</u>
Mayor Mayor
Attest: According to the City Clerk
Filed as Ordinance: August 11, 2008
Approved as to form: Marian Serker, Assistant City Attorney
Approved for Council action: Hones, Interim City Manager

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Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: No
Public Hearing: No

Sponsor:

Deaver

Date:

July 17, 2008

#### **EXPLANATION TO COUNCIL BILL NO. 2008-**

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt a resolution extending for 365 days beyond September 11, 2008, the existing administrative delay for accepting and processing of applications for preliminary or final plat approval, final development plan approval, rezoning applications, variances, special exceptions, conditional use permits, and building permits for the construction, placement, location and relocation of on-site storage trailers, storage containers, and temporary storage units within the City limits of the City of Springfield. (Staff recommends approval)

BACKGROUND INFORMATION: At their July 24, 2006 meeting, the Springfield City Council adopted a resolution establishing an administrative delay and directing staff to conduct a review of the use of land for the location of on-site storage containers and temporary storage units and to present such findings to the Community Involvement Committee and the Planning and Zoning Commission. Since July 2006, City Council has extended the administrative delay four times to accommodate further discussion and consideration of several proposed ordinances relating to permanent and temporary on-site storage in trailers and containers.

STAFF COMMENTS: The City Manager's Office has hosted several public meetings to identify key issues and work toward a common consensus on how to address outstanding issues. While some progress has been made working with merchants and providers of the storage containers, there is still not a consensus. Work on the amendments are currently on hold but will be restarted in a few months requiring an additional administrative delay.

The current administrative delay is scheduled to expire on September 11, 2008. An additional 365 days will extend the administrative delay until September 11, 2009.

**RECOMMENDATION:** Staff recommends that City Council extend the administrative delay for processing applications for preliminary or final plat approval, final development plan approval, rezoning applications, variances, special exceptions, conditional use permits, and building permits for the construction, placement, location and relocation of on-site storage trailers, storage containers, and temporary storage units within the City limits of the City of Springfield for an additional 365 days beyond September 11, 2008.

Submitted by:

Junning and Development

Approved by:

Interim City Manager

Pub. Imp. \_\_ Govt. Grnt. \_ Emer. \_\_

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First Reading: 🚤	September 18, 2000	Second Reading:	tiber 9, 2000
COUNCIL BILL N	0. 2000 - 271	GENERAL ORDINA	NCE NO. <u>50/9</u>
	AN ORDINA	ANCE	
Stor Cor Cor	sion I of the Springfield Language in Trailers and Storage Commercial, and Industrial Committee recommends approval aning Staff recommend denial.	ontainers in the Genera nmercial Districts. (Pl l. Planning and Zoning	al Retail, Highway ans and Policies
BE IT ORDAINED follows:	BY THE COUNCIL OF THE	CITY OF SPRINGFIEL	D, MISSOURI, as
Section 2-1100, I	tion 1 - That Division I of th Definitions, is hereby amended new definition shall read as fo	by adding one new def	
goods or	ontainer: A large container materials by rail, ship, air or c e, with or without a transpor	over the road, that is us	
Section 5-1200, 7	tion 2 - That Division V of the emporary Uses, is hereby amount in lieu thereof new Substants:	ended repealing in its e	ntirety Subsection
5-12 <b>03</b> .     '	Temporary Uses Permitted.		
,	A. The following temporary district subject to the sp follow, and to the other ap the use is permitted.	ecific regulations and	time limits which

 Contractors office and equipment trailers and sheds (containing no sleeping or cooking accommodations) accessory to a construction project are permitted only during the duration of such project and shall be located on the same property or on property in a district in which the use being constructed is allowed.

NOTE: Language in **bold** is to be added.

Section 3 - That Division V of the Springfield Land Development Code, Section 5-1000, Accessory Structures and Uses, is hereby amended by enacting a new Section 5-1006, On-site Storage, which new Section shall read as follows:

Section 5-1006. On-Site Storage. On-site storage in trailers and storage containers is permitted as an accessory use in the GR, HC and IC districts subject to the following restrictions. A use in the IC district must comply with the following restrictions if more than twenty-five (25) percent of the gross floor area is used for retail sales, otherwise, on-site storage in trailers and storage containers must only comply with the requirements of the IC district.

- A. On-site storage occurs when a trailer or a storage container is located on a property for more than three (3) consecutive days, regardless of whether or not there are goods or materials stored in the trailer or storage container. Storage of empty trailers and storage containers on a property is not permitted unless the district specifically allows such use.
- B. On-site storage in trailers and storage containers shall only be permitted accessory to a permanent structure on a premise.
- C. The trailers and storage containers shall at a minimum:
  - 1. Not occupy any required on-site parking and circulation aisles;
  - 2. Meet the setbacks required for permanent structures by the zoning district, unless a greater setback is required in G.3, below; and
  - 3. If the bufferyard requirements are not already met, be screened by a solid wall or fence at least six (6) feet high located along all property lines that require a bufferyard and be located at least ten (10) feet from such property lines.



- D. Storage containers shall not be stacked one on top of the other.
- E. Trailers parked on site to move inventory when a business is first locating on a site are exempt from the above requirements provided the trailers are removed from a premise within fourteen (14) days of the business opening to the public.
- F. Temporary Use of Trailers and Storage Containers. An establishment is permitted to have trailers and storage containers on a premise for a total of forty-five (45) consecutive or random days during a calendar year provided it complies with the following requirements.
  - A permit shall be obtained from the Department of Finance and a statement signed that the business will comply with the requirements of this subsection each time trailers or storage containers are located on the premise. There is no fee for the permit.
  - 2. The number of trailers and storage containers shall not exceed one (1) trailer or storage container per ten thousand (10,000) square feet, or part thereof, of permanent floor area provided there shall be a minimum of one thousand (1,000) square feet of permanent floor area on a premise.
  - 3. There is no permanent use of trailers or storage containers on a site,
- G. Permanent Use of Trailers and Storage Containers. An establishment is permitted to have trailers and storage containers on a permanent basis provided it complies with the following requirements.
  - 1. A site plan shall be submitted to, and approved by, the Building Development Services Department showing conformance with the requirements of this Article and other City codes.
  - 2. An on-site storage area shall be identified on the site plan. Trailers and storage containers shall be placed within the on-site storage and may be located, removed and relocated without submission of a new site plan unless the number of trailers and storage containers increases beyond the threshold number for which a premise was approved.

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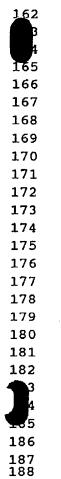
- 3. The number of trailers and storage containers on the property shall not exceed one (1) trailer or storage container for each five thousand (5,000) square feet, or part thereof, of permanent floor area provided there shall be a minimum of one thousand (1,000) square feet of permanent floor area on a premise. In addition, the square footage of the interior of the trailers and storage containers shall be considered permanent floor area for the purpose of calculating maximum building coverage and the total floor area of the trailers, storage containers and the permanent structures on the property shall not exceed the maximum building coverage permitted by the zoning district. This square footage shall be estimated from the maximum number of trailers that could be parked in the on-site storage area taking into consideration the need for circulation drives.
- 4. Location and Screening of On-site Storage Areas. Unless screening is provided, on-site storage areas shall be located behind the front building line of the primary permanent structure and the side building line of the primary permanent structure on a corner lot, or setback the distance specified in the table below from all public rights-of-way excluding alleys, whichever is less.

Number of Trailers and Storage Containers	Setback From Public Rights-of-Way
9 or less	100 Feet
10 or more	300 feet

On-site storage areas may be located anywhere on a premise provided the on-site storage area is screened from all public rights-of-way, except alleys, by a solid wall or fence at least six (6) feet high and a planting strip on the right-of-way side of the wall or fence at least ten (10) feet wide. The planting strip shall contain at least six (6) evergreen trees for each one hundred (100) linear feet of planting strip, evenly spaced to provide additional screening when the trees mature. The screen and wall shall be constructed of materials and finished consistent with the materials and finish of the primary structure.

NOTE: Language in **bold** is to be added.

Section 4 - Savings Clause. Nothing in this ordinance shall be construed to



affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 5 - This ordinance shall be in full force and effect from and after passage.

Passed at meeting: October 33, a	75N)		
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	Marie	Mayor	acounty
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Attest: Bord M. Cinty	, City Clerk		
	11.		
Approved as to form:	Death /	City Attacas	
Approved as to form.		City Attorney	
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Approved for Council action:	the		City Manage

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Aff. Agcy. Noticed Yes
Emergency Required No
P. Hrngs. Required Yes
Fiscal Note Required No
Board Rec. Required Yes
Sponsor Vanaman
Date September 18, 2000

#### EXPLANATION TO COUNCIL BILL NO. 2000 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Chapter 36 of the Springfield City Code, Article I, Zoning, Section 2-1100 Definitions, Section 5-1203 Temporary Uses, and Section 5-1000 Accessory Uses and Structures. (Plans and Policies Committee recommends approval, Planning and Zoning Commission and Planning staff recommend denial)

#### BACKGROUND:

Attached are amendments to the Zoning Ordinance (Exhibit 1) to permit and regulate on-site storage in trailers and storage containers in the General Retail (GR), Highway Commercial (HC), and Industrial Commercial (IC) districts. This type of temporary storage is currently not permitted in the GR district, and the use is not expressly listed in the other two districts but is permitted through interpretation.

The amendments were prepared by the Plans and Policies Committee as outlined in the attached staff report (Exhibit A). The Planning and Zoning Commission reviewed the proposal and recommended that on-site storage not be allowed at all in the GR district regardless of the requirements that might be imposed. The staff recommendation in the staff report to Planning and Zoning Commission (Exhibit A) is not clear. Staff agrees with the Planning and Zoning Commission that on-site storage should not be allowed at all, however if Council believes that on-site storage should be permitted in trailers and storage containers, the proposed regulations are a workable solution.

#### RECOMMENDATIONS

The Plans and Policies Committee recommended approval of this amendment.

The Planning and Zoning Commission recommended denial of this amendment, as found on the attached Exhibit 1, by a vote of 0 to 7 (Exhibit B, Record of Proceedings).

Planning staff recommends denial.

Submitted by:

Planning and Development Department

City Manager

Approved

On-site storage exp.wpd

On-Site Storage in Trailers and Storage Containers in the GR, HC and IC districts.

1. The following definitions would be included in Section 2-1100. Definitions.

Storage Container: A large container, typically which is capable of used for shipping goods or materials by rail, ship, air or over the road, that is used on a premise for storage, with or without a transport vehicle or trailer.

2. Clarify that trailers are permitted for storage on construction sites by amending Section 5-1200. Temporary Uses (new language is underlined).

#### 5-1203. Temporary Uses Permitted.

- A. The following temporary uses of land are permitted in any zoning district subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted.
  - 1. Contractors office and equipment <u>trailers and</u> sheds (containing no sleeping or cooking accommodations) accessory to a construction project are permitted only during the duration of such project and shall be located on the same property or on property in a district in which the use being constructed is allowed.
- 3. These requirements would be added to Section 5-1000. Accessory Structures and Uses.

On-site storage in trailers and storage containers is permitted as an accessory use in the GR, HC and IC districts subject to the following restrictions. A use in the IC district must comply with the following restrictions if more than twenty-five (25) percent of the gross floor area is used for retail sales, otherwise, on-site storage in trailers and storage containers must only comply with the requirements of the IC district.

- A. On-site storage occurs when a trailer or a storage container is located on a property for more than three consecutive (3) days, regardless of whether or not there are goods or materials stored in the trailer or storage container. Storage of empty trailers and storage containers on a property is not permitted unless the district specifically allows such use.
- B. On-site storage in trailers and storage containers shall only be permitted accessory to a permanent structure on a premise.
- C. The trailers and storage containers shall at a minimum:
  - 1. Not occupy any required on-site parking and circulation aisles;
  - 2. Meet the setbacks required for permanent structures by the zoning district, unless a greater setback is required in G.3, below; and



- 3. If the bufferyard requirements are not already met, be screened by a solid wall or fence at least six (6) feet high located along all property lines that require a bufferyard and be located at least ten (10) feet from such property lines.
- D. Storage containers shall not be stacked one on top of the other.
- E. Trailers parked on site to move inventory when a business is first locating on a site are exempt from the above requirements provided the trailers are removed from a premise within fourteen (14) days of the business opening to the public.
- F. Temporary Use of Trailers and Storage Containers. An establishment is permitted to have trailers and storage containers on a premise for a total of forty-five (45) consecutive or random days during a calendar year provided it complies with the following requirements.
  - 1. A permit shall be obtained from the Department of Finance and a statement signed that the business will comply with the requirements of this subsection each time trailers or storage containers are located on the premise. There is no fee for the permit.
  - 2. The number of trailers and storage containers shall not exceed one (1) trailer or storage container per ten thousand (10,000) square feet, or part there of, of permanent floor area provided there shall be a minimum of one thousand (1,000) square feet of permanent floor area on a premise.
  - 3. There is no permanent use of trailers or storage containers on a site.
- G. Permanent Use of Trailers and Storage Containers. An establishment is permitted to have trailers and storage containers on a permanent basis provided it complies with the following requirements.
  - 1. A site plan shall be submitted to, and approved by, the Building Development Services Department showing conformance with the requirements of this Article and other City codes.
  - 2. An on-site storage area shall be identified on the site plan. Trailers and storage containers shall be placed within the on-site storage and may be located, removed and relocated without submission of a new site plan unless the number of trailers and storage containers increases beyond the threshold number for which a premise was approved.
  - 3. The number of trailers and storage containers on the property shall not exceed one (1) trailer or storage container for each five thousand (5,000) square feet, or part there of, of permanent floor area provided there shall be a minimum of one thousand (1,000) square feet of permanent floor area on a premise. In addition, the square footage of the interior of the trailers and storage containers shall be considered permanent floor area for the purpose of calculating maximum building coverage and the total floor area of the trailers, storage containers and the permanent structures on the property shall not exceed the maximum building coverage permitted by the zoning district.

This square footage shall be estimated from the maximum number of trailers that could be parked in the on-site storage area taking in to consideration the need for circulation drives.

4. Location and Screening of On-site Storage Areas. Unless screening is provided, on-site storage areas shall be located behind the front building line of the primary permanent structure and the side building line of the primary permanent structure on a corner lot, or setback the distance specified in the table below from all public rights-of-way excluding alleys, whichever is less.

Number of Trailers and Storage Containers

Setback From Public Rights-of-Way

9 or less 10 or more

100 Feet 300 feet

On-site storage areas may be located anywhere on a premise provided the on-site storage area is screened from all public rights-of-way, except alleys, by a solid wall or fence at least six (6) feet high and a planting strip on the right-of-way side of the wall or fence at least ten (10) feet wide. The planting strip shall contain at least six (6) evergreen trees for each one hundred (100) linear feet of planting strip, evenly spaced to provide additional screening when the trees mature. The screen and wall shall be constructed of materials and finished consistent with the materials and finish of the primary structure.



### Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611 840 Boonville Avenue ~ Springfield, Missouri 65801

# ZONING ORDINANCE AMENDMENT - ON-SITE STORAGE IN TRAILERS AND STORAGE CONTAINERS

DATE: August 18, 2000

APPLICANT: City Council

#### BACKGROUND:

Attached are draft amendments to the Zoning Ordinance (Attachment A) to permit and regulate on-site storage in trailers and storage containers in the General Retail (GR), Highway Commercial (HC), and Industrial Commercial (IC) districts. This type of temporary storage is currently not permitted in the GR district, and the use is not expressly listed in the other two districts but is permitted through interpretation.

Staff has received complaints from citizens regarding the use of trailers for storage at commercial establishments. These are generally large semi-trailers, and this type of storage tends to occur primarily at Christmas time when stores expand their inventory to handle the extra demand. However, there are some stores that use trailers throughout the year. Citizens seem to be primarily concerned about the aesthetics of these trailers. They feel the establishments begin to look like truck stops which are not permitted in commercial districts. The trailers can be seen from the adjoining streets as well as adjoining residential properties which are often not protected by bufferyards because the commercial property developed prior to the bufferyard requirement. While aesthetics are an important concern, there are also other issues which include locating trailers on required off-street parking or in sight triangles at driveway entrances.

As a result of the citizen concerns, staff met on November 3, 1999, with some of the major stores that use trailers for storage and the trailer providers to discuss the issue and let them know that staff would be preparing amendments to the Zoning Ordinance for City Council consideration. Some of the stores were primarily concerned about getting through the current Christmas season since they had no other alternatives for storage. The trailer providers stated that the City should not regulate storage in trailers and that no other communities regulated this use. Staff indicated that nothing would be done until after the Christmas season, and staff began researching the issue.

Staff contacted 15 other communities to learn how they regulated storage in trailers (Attachment B). Nine of the communities do not allow storage in trailers in commercial zones. Although the communities indicated they enforced the regulations, staff does not know how strictly they are enforced particularly if there are no complaints. The six communities that allow storage in trailers do not have any specific requirements regarding the placement and screening of trailers.

City Council's Plans and Policies Committee considered this issue at their meeting on April 27, 2000. They reviewed a draft proposal prepared by staff and took public comment. At that meeting they directed staff to make modifications to the draft. Following the April 27 meeting, staff received 42 letters and one e-mail commenting on this issue. Three letters were from neighborhood or home owner associations and two from citizens. Thirty-seven letters and the e-mail are from businesses or their representatives. The letters from the neighborhoods and citizens generally oppose allowing storage trailers in the GR or any commercial district. Most of the letters from the businesses were very non-specific with regard to the proposed regulations. The letters were obviously the result of one of the storage trailer providers sending a letter to all of their customers. Some of the letters did address construction storage trailers specifically, and in staff's response we made it clear that construction storage trailers are exempt. Staff responded specifically to two letters in a report to the Plans and Policies Committee. The Plans and Policies Committee reviewed the report at their June 14, 2000, meeting and recommended the amendments as shown on Attachment A. The only issue that the Committee left unresolved was whether a trailer should become on-site storage if it is on-site more than 3 consecutive days or more than 14 consecutive days as the industry requested. The Committee decided it wanted a recommendation from the Planning and Zoning Commission.

#### STAFF COMMENTS:

The main concerns in addressing this issue are that commercial establishments using trailers or storage containers do not have an unfair advantage over establishments that do not use storage units and that commercial establishments in similar situations are treated the same. When a new establishment is constructed, a site plan is submitted and reviewed to determine if all zoning ordinance regulations are met. There must be adequate setbacks, parking, open space, screening, etc. There can only be so much floor area on a site because parking and open space requirements must be met. Trailers and storage containers that are more than temporary should be required to meet most of the same requirements. If there is the minimum amount of parking on site, the establishment should not be able to increase the floor area by locating storage trailers or containers on site which creates the need for additional parking or which reduce the number of parking spaces provided.

Staff made one modification to the proposed definition of storage container since the Plans and Policies Committee meeting. That change is shown in italics with the deleted language overstruck. Section 5-1200, Temporary Uses, would also be amended to clarify that trailers are permitted for storage on construction sites.

The regulations only apply to the GR, HC and commercial uses in the IC district. The IC district creates a problem because of the industrial uses that are allowed in combination with the commercial uses. To deal with this problem, the regulations specifically state when they effect a commercial use in the IC district.

The use of trailers and storage containers is divided into the categories of temporary and permanent. The regulations are organized so that the common requirements are listed first followed by the requirements for temporary use and then permanent use.

A trailer becomes on-site storage if it is on-site more than 3 consecutive days. There was discussion at the Plans and Policies Committee about increasing the number of days to 14, but increasing it substantially would effectively undermine the regulations because a trailer could be used for two weeks and then another trailer moved in to replace it. It is more difficult to sell all of the inventory out of a trailer over a three day period.

Storage units must be accessory to a permanent structure. No storage units, whether temporary or permanent, could occupy required on-site parking or circulation drives. These are already requirements of the zoning ordinance and are only listed to help ensure businesses comply. The placement of storage units should comply with setback requirements. The setback requirement is 25 feet in the front yard for all three districts, and the IC district requires 10-foot side and rear yard setback. Screening should also be provided from adjoining areas that normally would require a bufferyard where no bufferyard has been provided because the commercial property developed prior to 1995. The screening would be a 6-foot high solid wall or fence with the storage units set back at least 10 feet. Storage containers could not be stacked, and storage unit for new businesses must be removed within 14 days.

Storage units could be used on a temporary basis for any combination of 45 days during a calendar year provided they get a permit from Licensing. There would be no fee for the permit, and the permit could be handled via fax. The business owner would sign an affidavit that they would comply with all requirements. There would be no inspection, and violations would be handled on a complaint basis. Any business with at least 1,000 square feet of permanent floor area could have one temporary storage unit. The business would need over 10,000 square feet to have a second unit 20,000 square feet for a third, etc. The use of temporary storage units should be more limited than permanent units because no screening or extra setback is required. The 45-day time limit would allow businesses to have storage units for approximately six weeks prior to Christmas. A business could not have temporary storage units if they are already permitted to have permanent storage units.

Permanent use of storage units would require a permit from Building Development Services for an on-site storage area. After an on-site storage area is approved, storage units could be located, relocated or removed from the on-site storage area with no further permits or approvals. As with temporary use, a business must have at least 1,000 square feet of permanent floor area for the first storage unit but 5,000 square feet for the second storage unit, and 10,000 square feet for the third, etc. This would allow a business with 100,000 square feet of floor area to have 20 trailers. The maximum amount of storage units that could be located in the on-site storage area would also count against the maximum building coverage on the site. It is not fair for businesses to be able to exceed the maximum development potential of the site by bringing in storage units. Building Development Services is concerned about calculating the maximum floor area that could be achieved, but this could be handled by using an average storage unit size.

Finally, there is a system of screening by the permanent buildings or setbacks that increase as the number of storage units increase to reduce the visual impact of the storage units. No trailers would be permitted in the blank areas shown on the property. How properties would be effected by the setback requirements is shown on Attachment C. If the setback requirement could not be met, there is an option to provide screening.

#### RECOMMENDATION:

Staff is currently recommending that the amendments be tabled and the public hearing continued until the August 17, 2000, meeting because of the lengthy agenda on August 3, 2000. If Commission decides to consider the amendments and Commission believes on-site storage in trailers and storage containers in the GR, HC and IC districts should be permitted, staff recommends **approval** of the proposed amendments.

#### STAFF CONTACT:

Ralph Rognstad Jr. Assistant Director 417-864-1035

## On-Site Storage in Trailers and Storage Containers in the GR, HC and IC districts. DRAFT - 7/15/00

1. The following definitions would be included in Section 2-1100. Definitions.

Storage Container: A large container, typically which is capable of used for shipping goods or materials by rail, ship, air or over the road, that is used on a premise for storage, with or without a transport vehicle or trailer.

2. Clarify that trailers are permitted for storage on construction sites by amending Section 5-1200. Temporary Uses (new language is underlined).

#### 5-1203. Temporary Uses Permitted.

- A. The following temporary uses of land are permitted in any zoning district subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted.
  - 1. Contractors office and equipment <u>trailers and</u> sheds (containing no sleeping or cooking accommodations) accessory to a construction project are permitted only during the duration of such project and shall be located on the same property or on property in a district in which the use being constructed is allowed.
- 3. These requirements would be added to Section 5-1000. Accessory Structures and Uses.

On-site storage in trailers and storage containers is permitted as an accessory use in the GR, HC and IC districts subject to the following restrictions. A use in the IC district must comply with the following restrictions if more than twenty-five (25) percent of the gross floor area is used for retail sales, otherwise, on-site storage in trailers and storage containers must only comply with the requirements of the IC district.

- A. On-site storage occurs when a trailer or a storage container is located on a property for more than three consecutive (3) days, regardless of whether or not there are goods or materials stored in the trailer or storage container. Storage of empty trailers and storage containers on a property is not permitted unless the district specifically allows such use.
- B. On-site storage in trailers and storage containers shall only be permitted accessory to a permanent structure on a premise.
- C. The trailers and storage containers shall at a minimum:
  - 1. Not occupy any required on-site parking and circulation aisles;



- 2. Meet the setbacks required for permanent structures by the zoning district, unless a greater setback is required in G.3, below; and
- 3. If the bufferyard requirements are not already met, be screened by a solid wall or fence at least six (6) feet high located along all property lines that require a bufferyard and be located at least ten (10) feet from such property lines.
- D. Storage containers shall not be stacked one on top of the other.
- E. Trailers parked on site to move inventory when a business is first locating on a site are exempt from the above requirements provided the trailers are removed from a premise within fourteen (14) days of the business opening to the public.
- F. Temporary Use of Trailers and Storage Containers. An establishment is permitted to have trailers and storage containers on a premise for a total of forty-five (45) consecutive or random days during a calendar year provided it complies with the following requirements.
  - 1. A permit shall be obtained from the Department of Finance and a statement signed that the business will comply with the requirements of this subsection each time trailers or storage containers are located on the premise. There is no fee for the permit.
  - 2. The number of trailers and storage containers shall not exceed one (1) trailer or storage container per ten thousand (10,000) square feet, or part there of, of permanent floor area provided there shall be a minimum of one thousand (1,000) square feet of permanent floor area on a premise.
  - 3. There is no permanent use of trailers or storage containers on a site.
- G. **Permanent Use of Trailers and Storage Containers.** An establishment is permitted to have trailers and storage containers on a permanent basis provided it complies with the following requirements.
  - 1. A site plan shall be submitted to, and approved by, the Building Development Services Department showing conformance with the requirements of this Article and other City codes.
  - 2. An on-site storage area shall be identified on the site plan. Trailers and storage containers shall be placed within the on-site storage and may be located, removed and relocated without submission of a new site plan unless the number of trailers and storage containers increases beyond the threshold number for which a premise was approved.
  - 3. The number of trailers and storage containers on the property shall not exceed one (1) trailer or storage container for each five thousand (5,000) square feet, or part there of, of permanent floor area provided there shall be a minimum of one thousand (1,000)

square feet of permanent floor area on a premise. In addition, the square footage of the interior of the trailers and storage containers shall be considered permanent floor area for the purpose of calculating maximum building coverage and the total floor area of the trailers, storage containers and the permanent structures on the property shall not exceed the maximum building coverage permitted by the zoning district. This square footage shall be estimated from the maximum number of trailers that could be parked in the on-site storage area taking in to consideration the need for circulation drives.

4. Location and Screening of On-site Storage Areas. Unless screening is provided, on-site storage areas shall be located behind the front building line of the primary permanent structure and the side building line of the primary permanent structure on a corner lot, or setback the distance specified in the table below from all public rights-of-way excluding alleys, whichever is less.

Number of Trailers and Storage Containers

Setback From Public Rights-of-Way

9 or less 10 or more 100 Feet 300 feet

On-site storage areas may be located anywhere on a premise provided the on-site storage area is screened from all public rights-of-way, except alleys, by a solid wall or fence at least six (6) feet high and a planting strip on the right-of-way side of the wall or fence at least ten (10) feet wide. The planting strip shall contain at least six (6) evergreen trees for each one hundred (100) linear feet of planting strip, evenly spaced to provide additional screening when the trees mature. The screen and wall shall be constructed of materials and finished consistent with the materials and finish of the primary structure.

#### Trailer Storage Regulations in Other Communities

#### Communities that allow trailer storage in Commercial Districts

1. Blue Springs, Missouri No requirements, not addressed. Occurs occasionally, but not

often enough to create a problem.

2. Boulder, Colorado Zoning administrator will review and make decision if

commercial lot can allow a storage trailer to be used.

3. Columbia, Missouri Is allowed only for the site that it is on. It cannot be used as

storage from another site. A part of building permits. No time limits or buffering. Not allowed on gravel lots because of dust

regulations.

4. St. Louis, Missouri Nothing in writing, done case-by-ease, usually accepted if loading

docks are full.

5. Tulsa, Oklahoma Is accepted as practice in commercial districts.

6. Wichita, Kansas Allowed in General Commercial districts. Limited Commercial

districts limited to 3 days only

#### Communities that do not allow trailer storage in Commercial Districts

1. Amarillo, Texas Not allowed, if no wheels then subject to building codes.

2. Branson, Missouri Not allowed

3. Chesterfield, Missouri Only construction are allowed, no storage trailers..

4. Colorado Springs, Colorado Not allowed

5. Des Moines, Iowa Not allowed

6. Joplin, Missouri Not allowed at all.

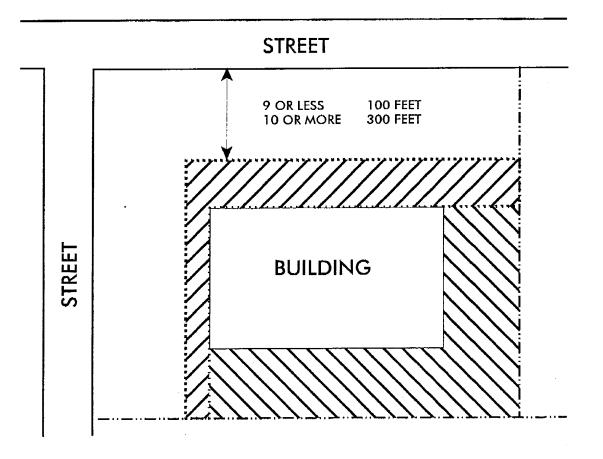
7. Little Rock, Arkansas Allowed only in Industrial Zone 1-2

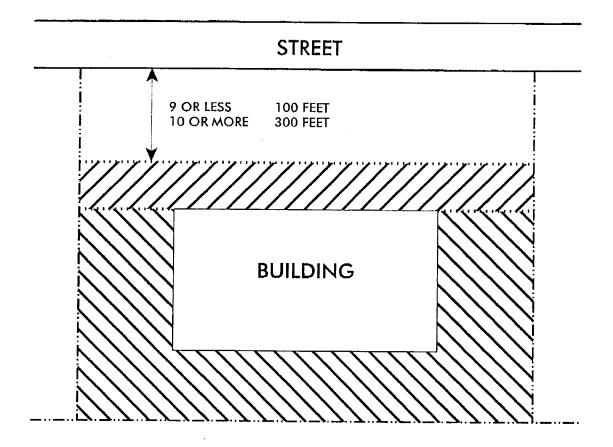
8. Memphis, Tennessee Allowed in IL (light industrial) and IH (heavy industrial) zones

with a special use permit.

9. Omaha, Nebraska If not structural than it is not allowed and will be impounded as

motor vehicle litter.





#### **RECORD OF PROCEEDINGS**

#### GENERAL INFORMATION:

This is a Zoning Ordinance Amendment for On-Site Storage in Trailers.

**COMMISSION HEARING:** 

August 17, 2000

Mr. Rognstad said the proposed amendment deals with allowing on-site storage in trailers and storage containers in the GR, HC and IC Districts. The issue of trailer storage arose a year ago from complaints about the use of these trailers for storage in commercial areas. This was found to be a problem particularly in the GR District which does not allow storage unless in a permanent building. The HC and IC Districts do not specifically list these as permitted uses but it has been interpreted as such because those districts permit outdoor activities.

City Council's Plans and Policies Committee discussed this issue and reviewed the proposed modifications and referred it to the Commission for a public hearing.

Mr. Rognstad explained Attachment A, the draft of On-Site Storage in Trailers and Storage Containers in the GR, HC and IC districts and the following changes: a definition would be added to the ordinance regarding storage container; clarify to permit trailers for storage on construction sites to be removed when construction completed; add requirements to the section of Accessory Structures and Uses specifically for the GR, HC and IC Districts; and criteria for location and screening of on-site storage areas. If Commission wants to allow this type of storage, staff would recommend approval of the proposed amendments as listed in the report.

Mr. Richardson asked if the proposed amendment is denied, would the City revert to the original ordinance which restricts more than this. Mr. Rognstad said that is correct. If Council does not approve this, the City would begin enforcing the ordinance and not allow this in the GR District.

Attorney Bruce McCurry, 5160 Aleshire Court, represents Action Sales and Rentals, a company leasing on-site storage trailers to businesses and Wal-Mart and Sam's Club. Most people do not notice these storage trailers. There needs to be an ordinance allowing them in these districts but he questions how restrictive it will be and will it prohibit the use of trailers by some people because of status. Most of the complaints received were about Sam's Club which has 15-20 trailers on a regular basis because of the inventory turnover. They have to have inventory on hand for the customers. They will provide this whether it is in a storage trailer or not. The ordinance has to fit everyone. Regarding the time frame for temporary storage, his clients believe three days is too short and 14 days may be too long.

Mr. Faulkner asked if Mr. McCurry supports the changes as proposed. Mr. McCurry favors the proposal but believes the number of trailers is too restrictive.

Mr. Bernie Burrier, 1960 S. Pin Oak, also represents the 65809 Organization, urged Commission not to accept the changes as proposed. He feels the present ordinance should be enforced. There is no need for all these storage trailers plus they are ugly to look at.

Ms. Aleta Dyer, 2458 Blackman Road, also represents the Springfield Neighborhood Coalition and many are concerned about the deteriorating aesthetics in neighborhoods and keeping up property values. Turning retail space and parking lots into trailers places is not helping their property values. There are safety factors also involved with these parked trailers. The ordinance is needed and is proposed for a special interest to benefit a few. The best thing is to not rewrite the ordinance and start enforcing the laws on the books.

Mr. Chapman does not support the amendment and believes a business should make plans to store and warehouse materials the same as they do anything else. It is time to look at the aesthetics of the City. It is wrong to use temporary trailers in front of a business. If one can be eliminated, this would be a beginning step.

Mr. Richardson does not support the amendment and believes this appears to be a special interest zoning. Most of the older businesses in town have factored in storage space in their developments. Some of the newer businesses in town have established a practice of doing business a certain way. The City needs to try to enforce the original ordinance first become making changes.

#### **COMMISSION ACTION:**

Reynaud made the motion to approve the Zoning Ordinance Amendment-On-Site Storage in Trailers, as presented. Ream seconded th emotion.

Ms. Ream concurs with the other commissioners' comments. If this is approved The Plaza has at least 50 stores and with compliance of the 1000 square feet as noted in the report, this would allow The Plaza to have 50 trailers or containers on that shopping center. People need to think about this.

Mr. Faulkner does not support the amendment but does not want to ignore the needs of major stores in the City's retail areas. The amendment strips the ability of the average citizen to make a complaint and have it enforced. Possibly in the future, the City could look at the way St. Louis does this, on a case by case study, to help major stores.

Ms. Tyson will not support the amendment and sees this as a potential enforcement nightmare. General retail areas are designed to be totally indoors. She doesn't see why they need trailers for storage. She agrees with some of the proposals but the way it is written, there are too many loopholes and questions as to what it will eventually look like.

Motion <u>failed</u> as follows: AYES: None; NAYS: Faulkner, Chapman, Reynaud, Ream, Richardson, Folkins and Tyson; ABSTAIN: None; ABSENT: Platter and Moore.

Assistant Director

Planning and Development

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# Implementation Procedure of Ordinance Council Bill No.\_\_\_\_

City Code No	Ordinan	ce No
Effective Date of Memo	: Oct 10, 2000 upon ordinance passag	ge Oct. 9, 2000
Subject: On-site storage	in trailers and storage containers	
City Department Respo	nsible for Administration: Building [	Development Services
Contact in Case of Que Phone: 864-1059	stions: Building Development Service	es Director
Support Agencies & Th The Department of Finan more than 45 days annu- GR, HC and IC zoning di	nce through Licensing may issue perm ally) of trailers and storage containers	its for temporary use (no for on-site storage in the
Plan for Administration The requirements are pa Courts like any other v discovered through comp	art of the Zoning Ordinance. Penaltie riolation of the Zoning Ordinance.	s may be imposed by the Violations are generally
a permit from Finance.  followed. Permanent use approval by Building Deve	ilers and storage containers for not m The applicant must sign a form stating e (more than 45 days) requires a one- elopment Services. Both temporary and ed by the square footage of perman trailers to be setback behind the build	ig all requirements will be -time site-plan review and d permanent use of trailers ent buildings on the site
prevent overcrowding by congestion and parking placed. To prevent impa	nce: ers and storage containers in the GR, 0 limiting the number of trailers and con problems by regulating where trailer act on adjoining residential properties equiring setbacks and screening.	stainers. To prevent traillers and containers can be
particularly in the GR di number of trailers that we In reviewing the issue in	dinance? Answer: Citizens expressed istrict, were beginning to look like truere being parked on the properties for a true determined that regulations weng, traffic congestion, and impacts or	uck stops because of the in extended period of time ere needed to reduce the
Date Submitted to City	Manager:	
N:\SHARE\CBILLS\trailer-storage-ipo.wpd	Tom Finnie, City Manager	Date

Trailers . . Storage Container Ordinance Summary, 8-20-07

	CURRENT 20	CURRENT 2000 ORDINANCE
Requirements	Temporary Placement	Permanent Placement
Zoning Districts	GR, HC and IC	GR. HC and IC
COMMENTS:		
Number of Trailers and Containers	1 per 10,000 square feet of permanent	1 per 5,000 square feet of permanent
COMMENTS:	505	מופס
Permit required	Yes	>d/
COMMENTS:		
Site Plan required	No	Yes
COMMENTS:		
Time Limit	45 days, consecutive or random	Unlimited
COMMENTS:		
Maximum Building Coverage	ΨV	Permanent floor area plus trailers/containers cannot exceed district requirement
COMMENTS:		
Location	Not permitted in setbacks, bufferyards, perimeter landscaping, required parking or circulation aisles	Not permitted in setbacks, bufferyards, perimeter landscaping, required parking or circulation aisles Setback, unless screened or behind front building line: - 9 or less units: 100 ft. from ROW
COMMENTS:		

	CURRENT 200	CURRENT 2000 ORDINANCE
Requirements	Temporary Placement	Permanent Placement
Screening	Not required	If not required setback from ROW: - 6-foot solid wall or fence - 10-foot wide planting strip - 6 evergreen trees/100 feet; evenly
COMMENTS:		possib
Fees	0\$	\$145
COMMENTS:		
Penalties Storage trailer or container in Violation	Up to \$1,000/day	Up to \$1,000/day
Failure to obtain permit:		
COMMENTS:		
Continuation of Existing Trailers Permit issued:	NA	AN
No permit:	NA	NA
COMMENTS:		

## Council Meeting of September 18, 2000 On-Site Storage in Storage Containers

Sponsor: Vanaman, Gibson, Manley, Rhodes. Council Bill 2000-271. A general ordinance amending Division I of the Springfield Land Development Code to permit On-Site Storage in Trailers and Storage Containers in the General Retail, Highway Commercial, and Industrial Commercial Districts. (Plans and Policies Committee recommends approval. Planning and Zoning Commission and Planning Staff recommend denial.)

Ralph Rongstad, Assistant Director of Planning and Development, reviewed the regulations for this bill. Mr. Rongstad stated that this has been before the Plans and Policies Committee and the Planning and Zoning Commission. The Plans and Policies Committee recommends approval whereas the Planning and Zoning Commission along with staff recommend denial. He also added that currently the General Retail district (GR) does not allow for this type of storage.

Councilwoman Wright asked what the requirement would be concerning retail businesses placing storage containers in designated parking spaces. Mr. Rongstad stated that it would depend on whether it was for temporary or permanent use. With permanent use trailers there would be a review of a site plan to make sure they were not using required parking; on temporary use trailers it would be a matter of responding to complaints.

A public hearing was announced on Council Bill 2000-271.

R. L. Mullins, 1915 East Buena Vista, spoke in support of the proposed ordinance.

Bruce McCurry, 5160 Aleshire Ct., attorney representing Action Sales and Rentals and Wal-Mart, spoke in support of the proposed ordinance, stating that the old ordinance drafted in the 1950's is badly broken. Mr. McCurry added that currently there are around 700 of these types of storage trailers in use in Greene County, most of them in Springfield.

Connie Huff, 2173 S. Oakmont Court, expressed her support of the proposed ordinance. She stated that as a consumer, she liked knowing that the products she would be purchasing would be available to her when she needed them. Ms. Huff stated however that her main concern would be traffic accidents caused by the increased truck traffic if outside storage were not available.

Shelia Wright asked if Ms. Huff truly believed there would be a reduction in truck traffic given that many of these trailers are used for permanent storage and therefore must also be restocked. Ms. Huff answered in the affirmative.

Ralph Graham, 2825 N. Kansas Expressway, employee of Wal-Mart spoke in favor of the proposed ordinance, stating that the reason there is such a need for outside storage is to meet the demands of the consumer.

Bob Chancellor asked if an ordinance that provided just temporary outside storage, eliminating the portion that provides for permanent storage, would meet the needs of Wal-Mart. Mr. Graham stated that he could not address the needs of others in the Springfield area, but agreed that the needs of Wal-Mart would be met by such an ordinance.

Brian Knight, 3985 N. Bannister, Manager of Wal-Mart Supercenter North, spoke in favor of the proposed ordinance.

Shelia Wright asked if trucks coming in, off-load from their truck into the storage containers or pull the empty trailer out and leave the new trailer. Mr. Knight stated that at his store the merchandise is loaded off the truck into the storage container.

Teresa Brown, 5420 N. Willow Rd. Ozark, Operations Manager for Famous Barr, spoke in support of the proposed ordinance, stating that her main concern was the issue of safety.

Jo Sharp, 100 Battlefield Mall, General Manager for Famous Barr, spoke in support of the proposed ordinance, commenting that last year they did \$1,400,000.00 in additional sales due to the use of storage trailers, which translates to \$91,000.00 in sales tax revenue.

Bob Chancellor asked if Famous Barr uses storage trailers for temporary storage or if they are used on a permanent basis. Ms. Sharp commented that they use the trailers year-a-round, adding that their building was built to do 25 million dollars in sales, and they do around 35 million dollars in sales. She also stated that the number of trailers used varies during the year, from as few as one to two trailers, to as many as eleven trailers during the Christmas season.

Arlen Hickman, 3315 S. Campbell, Employee of Wal-Mart, spoke in support of the proposed ordinance.

John Ruder, 4560 S. Quail Creek, Manager of Wal-Mart spoke in support of the proposed ordinance, stating that his store does not have the holding capacity to accommodate the volume of sales they do.

Tony Cox, 3315 S. Campbell, Manager of Wal-Mart on South Campbell, spoke in support of the proposed ordinance.

Rick Risenhoover, 916 W. Minolta, Manager of Wal-Mart on South Glenstone spoke in support of the proposed ordinance, commenting that on a weekly basis they receive anywhere from 25 to 40 semi-trucks, without the use of on-site storage, the number of trucks would increase considerably.

Shelia Wright asked if there would be an increase in prices if the stores had to convert to using off-site storage. Mr. Risenhoover stated that he hoped that would not be the case.

Britt Gardner, 1822 Lilly Ln., Nixa, General Manager of Sam's Club, spoke in favor of the proposed ordinance. Mr. Gardner commented that 70 percent of Sam's Club sales is to small business owners or managers, therefore having products on site not only effects Sam's Club, but also a number of other businesses.

Gary Gibson commented that he wanted to publicly commend Mr. Gardner and Sam's Club for the improvements they have made.

Bob Edwards, 4637 S. Woodpoint, General Manager for Outdoor World, spoke in favor of the proposed ordinance.

Burney Burrier 1960 S. Pinoak, spoke in opposition to the proposed ordinance.

Aleta Dyer, 2458 Blackman Rd., spoke in opposition to the proposed ordinance, stating that many property owners are losing resale value due to the industrial look as a result of the lack of inventory control by stores.

Mayor Gannaway asked Ms. Dyer if she had been authorized to represent the different neighborhoods. Ms. Dyer responded that she had not been officially chosen to represent the

neighborhoods, rather she was just relating the concerns she had heard in conversations with others.

Gary Gibson asked Ms. Dyer if she would agree that Sam's Club has been the focal point of many of their discussions. Ms. Dyer answered in the affirmative. Mr. Gibson asked if she felt that over the last couple of months the area had been cleaned up. Ms. Dyer answered in the affirmative.

Bob Chancellor asked if staff could gather information on the number of complaints that have been received on this issue from the various parts of town and also the different stores involved in the complaints.

There being no further appearances, the public hearing was declared closed.

## Council Meeting of October 9, 2000 On-Site Storage in Trailers

Sponsors: Gibson, Rhodes, Vanaman, Manley. Council Bill 2000-271. A general ordinance amending Division I of the Springfield Land Development Code to permit On-Site Storage in Trailers and Storage Containers in the General Retail, Highway Commercial, and Industrial Commercial Districts. (Plans and Policies Committee recommends approval. Planning and Zoning Commission and Planning Staff recommend denial.)

Mr. Chancellor stated that he was unhappy with the bill and moved to table the bill so that it could be sent back to the Plans and Policies Committee for further consideration. Mr. Gibson seconded the motion and it was approved by the following vote: Ayes: Gibson, Hacker, Carlson, Chancellor, Manley, Vanaman, Wright, Gannaway. Nays: Rhodes. Absent: None.

#### Council Meeting of October 23, 2000

#### **On-Site Storage in Trailers and Storage Containers**

Sponsors: Gibson, Rhodes, Vanaman, Manley. Council Bill 2000-271. A general ordinance amending Division I of the Springfield Land Development Code to permit On-Site Storage in Trailers and Storage Containers in the General Retail, Highway Commercial, and Industrial Commercial Districts. (Plans and Policies Committee recommends approval. Planning and Zoning Commission and Planning Staff recommend denial.)

Mr. Chancellor moved to delete paragraph G of page three of the bill, which would eliminate permanent temporary storage, and also to amend paragraph F on page three, line 83, to allow temporary storage for up to 120 days. Mr. Gibson seconded the motion. The motion failed by the following vote: Ayes: Wright, Chancellor, Rhodes. Nays: Carlson, Gannaway, Vanaman, Gibson, Hacker, Manley. Absent: None.

Mr. Vanaman stated that as Chairman of the Plans and Policies Committee, he felt he should state that he and the other members of the Committee worked with staff for months on this proposal. Mr. Vanaman recommended that the ordinance come back to the Committee within a year to eighteen months for review and revision.

Council Bill 2000-271 passed by the following vote: Ayes: Gannaway, Vanaman, Wright, Gibson, Hacker, Rhodes, Manley. Nays: Carlson, Chancellor. Absent: None.

# **Storage Container Meetings**

May 8, 2007 - Noon Community Involvement Committee Meeting

June 6, 2007 - Noon Community Involvement Committee Meeting

July 3, 2007 - Noon Community Involvement Committee Meeting

August 20, 2007 – 7:00 p.m. Community Involvement Committee Meeting

April 2, 2008 – Noon Community Involvement Committee Meeting

# COMMUNITY INVOLVEMENT COMMITTEE MEETING

#### May 8, 2007 12:00 Noon

#### FOURTH FLOOR CONFERENCE ROOM

**MEMBERS** 

PRESENT:

Mary Collette, Chair; John Wylie, Cindy Rushefsky, Dan Chiles

**MEMBERS** 

ABSENT:

None

**STAFF** 

PRESENT:

Evelyn Honea, Assistant City Manager; Howard Wright, Special Counsel; Nick

Heatherly, Director of Building Development Services; Vicki Hilton, Sharon Kolkmeyer, Cecelia Copeland, Chris Straw, Building Development Services; Clay Goddard, Director of Information Systems; Randall Whitman, Brendan Griesemer, and Hannah Rippe, Planning and Development; Louise Whall, Public Information Office; Brenda Cirtin, City

Clerk, and Karen Dowdy, City Clerk's Office.

**GUESTS:** 

Mayor Pro Tem Gary Deaver; Citizens: Don Bracy, DebCo Construction; Bryan Cates, Pods; Brenda Teeslink, Mobile Storage Solutions; Tom Barr, storage container business

owner

Mary Collette, Chair, called the meeting to order at approximately 12:08 p.m. and introductions were made.

As all members had been unable to review the minutes, acceptance of the minutes was postponed.

### **Outdoor Storage**

Nick Heatherly, Director of Building Development Services, began the discussion on outdoor storage. Mr. Heatherly presented a brief explanation of the process followed to address the issue and problems with outdoor storage containers. Mr. Heatherly stated there were concerns with safety and the ability to provide adequate emergency services response to the locations that had storage containers. Mr. Heatherly explained that there was an existing ordinance as part of the Zoning Ordinance, which was more strict than the proposed. The proposed ordinance would allow storage containers in the GR, HC, RI, IC, HM, GM, and LI districts on a temporary basis. Mr. Heatherly added that an annual permit would be available for the GM, HM, and LI districts. Mr. Heatherly explained that Council's policy for code enforcement has been complaint based; however, there had only been one complaint regarding the storage containers. As a result, Mr. Heatherly stated, resources were directed toward complaint-based issues and staff had not been attempting to identify the location and placement of the storage containers. Mr. Heatherly stated this policy would need to be addressed with the new ordinance.

Mr. Heatherly conducted a PowerPoint presentation that indicated businesses with numerous storage containers, which have increased over the past several years. Mr. Heatherly discussed problems for other businesses as of results of storage trailers on other properties and problems for fire responders.

Howard Wright, Special Counsel, welcomed the new Committee members and provided a handout and an explanation of the proposed trailer and storage container ordinance. Mr. Wright stated that the current ordinance allowed storage containers to be onsite temporarily (45 days). Mr. Wright stated that permanent use was allowed in certain districts if a permit was obtained. Mr. Wright noted that five to six permits have been issued since 2000. Mr. Wright explained that the objective was not to ban the storage containers; however, it was to prepare an ordinance that would be manageable. Mr. Wright recognized the need to address compliance and enforcement.

Mr. Wright explained that the proposed ordinance would involve registration or permits to be required before placement or use of storage containers with severe penalties for violations. Mr. Wright stated there would be exceptions built into the concept that included inventory for new businesses, residential uses, construction trailers, loading and unloading in districts where the storage was permitted. In addition, a 60-day permit would be issued for temporary use in GR, HC, RI, IC, HM, GM and LI districts. Mr. Wright remarked that all conditions would be required to be met. Mr. Wright explained that staff would pursue the possibility of having an online application and no site plan would be required for a temporary permit. Annual permits would be subject to renewal, a site plan would be required, and the permit would be limited to five units. Mr. Wright explained that existing uses that had obtained permits would be allowed 10 years to continue the use; however, individuals who had not obtained a permit would be allowed only two years to continue. A permit must be obtained and the applicant must comply with all conditions.

Mr. Wright discussed the penalties and noted that the City would have the right of refusal for issuing a permit if a storage container was placed before obtaining a permit. Mr. Wright explained that the City would expect the lessor of a storage container or trailer to comply with the ordinance and not place the container before a permit were issued. A local responsible agent must be designated, and there would be a presumption that any violation was committed by the responsible agent or owner. Mr. Wright stated that there would be civil and municipal penalties.

Mary Collette questioned if there was anything in the process that would require a list of inventory or contents, and a list that indicated what items were illegal. Howard Wright responded that it was known that the chemicals were not permitted in the containers. Nick Heatherly referred to ordinance language that indicated items not allowed to be stored in a container. Mary Collette questioned the enforcing agency for chemical storage. Mr. Wright responded that there might be environmental laws that address storage. Mr. Heatherly stated that the cost for the permit covers the cost of inspections, which would involve fire marshals. Ms. Collette noted that the language indicated that there be no signs advertising on-site business activities, and questioned if this was only addressed under the exceptions. Nick Heatherly responded that signage would not permitted unless it met the provisions under the sign ordinance. Mr. Heatherly noted that the Wal Mart logo on a trailer would be acceptable; however, banners would not be appropriate.

John Wylie remarked that the definition of temporary was understandable and that the information regarding safety and health aspects was beneficial.

Cindy Rushefsky referred to the earlier references regarding inspections and questioned who would be performing the inspections. Nick Heatherly responded that it would be a combination of land development inspectors and fire marshals. Ms. Rushefsky questioned if staff had planned on a regular system. Mr. Heatherly responded that these details were being worked out, as there would be notification issues to be addressed. Ms. Rushefsky questioned if the inspection requirements and enforcement would be included in the ordinance. Mr. Wright explained there was a reference in the draft proposal regarding the Zoning Ordinance that addressed enforcement and another section that addressed administration enforcement and review with the appropriate penalties.

Mary Collette explained that the Committee had discussed developing a "plain-talk" brochure during a previous meeting. Cindy Rushefsky questioned if the applicant for a permit would sign an authorization that would allow full inspection of the contents. Nick Heatherly explained that the temporary permit would have certain requirements; however, staff did not see the need to require a site plan. Mr. Heatherly added that the permit would dictate the location of the storage container/trailer and part of the permit fee would provide the funds for an inspector to determine if the containers were at the proper location. Mr. Heatherly explained that staff could not enter a container with a "No Trespassing" sign; however, staff would make a request for entrance. If not allowed, a search warrant would be pursued. Ms. Rushefsky commented on the danger of the storage containers and suggested having the applicant waive their right for access. Mr. Wright responded that this could be reviewed.

At this point, Mary Collette opened the meeting for speakers.

Thomas Barr explained that he was an owner of a portable storage container business. Mr. Barr stated that the three-day requirement in the ordinance would negatively impact the business. Mr. Barr discussed the uses for the storage containers—moving, storage during remodeling, and long term storage. Mr. Barr stated these containers were picked up and stored at their site.

Mary Collette stated that the issue of remodeling was covered in the proposed. Howard Wright clarified that this was not listed under residential and the language regarding remodeling involved the storage of tools. Mr. Wright stated that the comment would be noted regarding remodeling.

Gary Deaver questioned if Mr. Barr had warehousing available for customers. Mr. Barr affirmed and stated that this was required under his license. Mr. Deaver noted that the containers could be picked up and transferred to a warehouse location. Mr. Barr briefly discussed the various sizes available.

Don Bracy, DebCo, questioned if the containers were taxable or were required to have sprinklers. Mr. Bracy discussed the impact some storage containers at a nearby business had on his property. Howard Wright stated that staff would check on the question regarding the materials being stored outside at the business near Mr. Bracy's.

Bryan Cates, owner of PODS, addressed questions that were mentioned earlier. Mr. Cates explained that their largest unit was 8 x 8 x 16 feet. In regard to safety, Mr. Cates stated that 100% of their containers were under rental contracts that contained specific requirements, which did not allow habitation, utilities to be run to the unit, or contain any hazardous materials or equipment such as lawn mowers or weed eaters. Mr. Cates remarked that they provide a list of frequently asked questions to potential renters that addresses what could and could not be placed in the container. Mary Collette stated that a copy of the contract would be beneficial to the Committee. In response to a question by Ms. Collette, Mr. Cates explained that the common rental period was 30 days, with the average rental for his business being two months. Mr. Cates added that most use the pods in-between residences.

Brenda Teeslink, Mobile Storage Solutions, stated that her business entails renting steel storage containers and trailers and remarked that the ordinance would, basically, put her out of business. Ms. Teeslink stated that her customers need the containers quickly and would not have time to prepare a site plan. Ms. Teeslink discussed the efforts she has made to ensure that her units were of good quality. Ms. Teelslink also stated a concern with requiring permits.

Mary Collette questioned if there would be a need to continue the discussion at a later meeting. Evelyn Honea suggested the Committee email questions to staff.

Dan Chiles noted the number of units in Springfield and suggested submitting the issue to the Chamber of Commerce and others who would have a vested interest. Mr. Chiles also commented on the trailers used by trucking companies in Springfield, and stated a concern with the timeframes. Mr. Chiles indicated that he would send a list of questions to staff regarding the issue.

Mary Collette questioned if there had been any residential complaints regarding the storage containers. Nick Heatherly stated there had only been one complaint. Mr. Heatherly added that, with the exception of five to six units, all storage containers were currently illegal.

Bryan Cates interjected that his company had completed 506 moves, mostly residential, with only one complaint voiced regarding a storage container's placement.

Gary Deaver remarked that the ordinance contains exceptions for motor freight terminals and distribution centers. Mr. Deaver noted that storage containers were not currently allowed unless permitted and requested Ms. Teeslink to put her concerns in writing to the Committee and indicate any changes that she believed would lessen the impact. Ms. Teeslink questioned the need for permits and regulating the storage containers, and commented on there only being one complaint. Mr. Deaver stated that the presumption of the public was that the storage containers were legal. Mr. Deaver remarked that permits and plans were required for permanent structures and noted that many of the storage units were being used as permanent storage. Mary Collette questioned what was used before the storage containers were developed. Ms. Teeslink commented that the industry had changed and inventory was treated differently. John Wylie stated that the flow of merchandise had changed. Mr. Wylie questioned who Ms. Teeslink should contact regarding her concerns. Ms. Collette responded that Ms. Teeslink should contact Building Development Services.

With no further discussion, the meeting adjourned at 1:15 p.m.

## COMMUNITY INVOLVEMENT COMMITTEE MEETING

#### June 6, 2007 12:00 Noon FOURTH FLOOR CONFERENCE ROOM

**MEMBERS** 

PRESENT:

Mary Collette, Chair; John Wylie, Cindy Rushefsky, Dan Chiles

**MEMBERS** 

ABSENT:

None

**STAFF** 

PRESENT:

Evelyn Honea, Assistant City Manager; Howard Wright, Special Counsel; Cecelia

Copeland, Building Development Services; Clay Goddard, Director of Information

Systems; Johnny Burgess, City Prosecutor; Randall Whitman, Planning and

Development; Louise Whall, Public Information Office; Brenda Cirtin, City Clerk, and

Karen Dowdy, City Clerk's Office.

**GUESTS:** 

Mayor Pro Tem Gary Deaver; Ryan Moody, Chamber of Commerce; Jeff Childs, DIIG.

Citizens-Please see attached list

Mary Collette, Chair, called the meeting to order at approximately 12:03 p.m.

John Wylie moved to accept the minutes of November 9, 2005. Mary Collette seconded and the motion was approved. John Wylie moved to approve the minutes of May 8, 2007. Cindy Rushefsky seconded and the motion was approved.

### **Outdoor Storage**

Mary Collette complimented those who had been involved in the discussion regarding the issue of storage containers.

Howard Wright began the discussion of the topic by referring to a memo sent to the Committee in response to the suggestion by Cindy Rushefsky regarding a waiver by the applicant related to search and seizure. Mr. Wright indicated language had been drafted in section F.4 for the Committee to review. Mr. Wright stated there were concerns with the storage of hazardous materials or other materials that might be dangerous.

Mary Collette questioned the exceptions and extension to seven days for residential areas. Mr. Wright responded that staff met to discuss the issue and had expressed concerns with the amount of time storage containers should be allowed in a residential area. Mr. Wright explained that staff believed that the time should be somewhat limited and had recommended seven days for loading and unloading of the containers. Mr. Wright noted there were comments concerning remodeling, which was also discussed by staff. Staff recognized that many storage containers were designed to be able to be picked up and stored off site. Mr. Wright remarked that there was confusion by a citizen of Willard regarding the ordinance; however, Mr. Wright noted that the current ordinance would not allow the storage container referenced. Mr. Wright explained that staff recognized the need for a limited number of storage containers under specific exceptions and explained that the yearly permit would be renewed on a routine basis upon an inspection. Mr. Wright stated staff believed it was important to obtain the cooperation of the individuals

leasing the trailers and suggested that anyone wanting to place a trailer check with Building Development Services to determine if a license had been issued or the area was within a licensed area. Once the term expired, the lessor would be responsible if the trailer was not removed or did not meet requirements. Mr. Wright briefly discussed a situation raised by an individual and the need for clarification from the individual. Mr. Wright also noted that other communications had been received from various individuals. Mr. Wright discussed unique situations and special circumstances in which staff believed the Director of Building Development Services should have the authority to issue a permit under limited circumstances. Mr. Wright remarked that there were large construction projects, which may require exceptions. Mr. Wright stated staff had discussed an exception for remodeling, and had indicated that allowing the containers for three to seven days in residential districts would help. Mr. Wright noted that citizens are sensitive to what was occurring in their neighborhood. Mr. Wright provided a draft and stated that there was an indication there was a need to address the exception for constructions, which would be limited to tools and supplies pertaining to the construction project. Mr. Wright explained that the language, "or personal property of the owner or tenant of a building which is being remodeled" was added. Mr. Wright stated that an individual would be required to obtain a building permit; however, not every type of remodeling involved the issuance of a permit. Mr. Wright added that the language was changed to reflect the allowance for up to 30 days. Mr. Wright stated that the issue was more of a policy question and requested the Committee to indicate their preference.

Gary Deaver commented on the concern voiced by Brian Cates regarding the issue of remodeling. Mr. Deaver stated he had suggested, during a conversation with Mr. Cates, that, a building permit or a valid contract for work could show that a project was underway. Howard Wright remarked that he believed this was implied in the ordinance. Mary Collette noted that the ordinance was attempting to address the storage of personnel property and stated that having proof of remodeling would help. Mr. Wright responded that individuals might be doing the remodeling themselves and commented that the City was required to have strict proof in gathering evidence; however, stated staff could review. Mr. Wright explained that staff had mentioned a provision in the fire code that allowed storage containers for rubber tires and remarked that the Fire Department believed the fire code addressed the issue correctly. Mr. Wright commented that, if the Committee believed there was a need for clarification, staff could prepare language specific to tires. Cindy Rushefsky suggested adding the language, "also as provided in the fire code" to clarify the issue. Mr. Wright stated he would speak with the Fire Department and change the language. Ms. Collette questioned if the Committee had any objections to this suggestion. The Committee did not voice any problems. Ms. Collette questioned if the maximum units and the square footage would still apply with the issue related to tires. Mr. Wright responded that the retail district would allow a certain number of storage containers for 60 days based on square foot percentage and, in a permitted industrial district, not more than five would be allowed. Cecilia Copeland remarked that she did not believe the fire code specifically stated that tires would be placed in a container and indicated that she believed this was a preference, as it would be cleaner and easier to address the issues of tires. Mr. Wright responded that he would speak with personnel from the Fire Department.

Cindy Rushefsky stated she would prefer the broader explanation in regard to language related to construction instead of being too specific in order to address individuals doing the remodeling his or herself. Gary Deaver and Mary Collette indicated their agreement.

John Wylie requested Mr. Wright to explain the goal of the proposed and how it aligned with the Mission Statement, as to the safety, health, and welfare. Howard Wright provided a brief history of the issue and noted that the number of storage containers had grown considerably. Mr. Wright stated that staff believed a total ban would not be appropriate; however, noted the need to regulate and have compliance. Mr. Wright stated that the current situation addressed violations on a complaint basis. Mr. Wright explained that a concern was raised with the containers opposed to having storage in a warehouse with sprinklers

and fire code protection. Mr. Wright added that there were concerns with hazardous materials being stored in storage containers.

John Wylie requested Mr. Wright to give his impression of the objections to the ordinance and how they were being addressed. Mr. Wright responded that staff had addressed the objections as well as possible; however, they had indicated that some regulation was needed. Mr. Wright added that the ordinance was strict in order to obtain compliance. Mr. Wright recognized that there was limited staff and limited resources.

Dan Chiles suggested that individuals present be given the opportunity to comment. Mary Collette explained that the normal process was to allow the Committee to comment and make suggestions first. Upon completion of the Committee's comments, Ms. Collette suggested allowing individuals to speak who had not spoken on the issue previously.

Evelyn Honea informed the Committee that the Missouri Retailers Association had indicated that they believed there should not be a time period constraint. Ms. Honea added that the Missouri Retailers Association had also stated a concern with the issue related to tires. John Wylie requested clarification of the concern related to the time frame. Ms. Honea referred to a communication that indicated retailers would be forced to build storage facilities similar to sheds and garages in order to have access to their inventory or would be forced to store offsite, making it necessary for commuting back and forth. Ms. Honea stated that the ordinance would limit the storage container to a 60-day period within 12 months in a retail district.

John Wylie commented on the issue with a property owner whose property was located next to a business that had a storage container obscuring his property. Mr. Wylie questioned how the proposed would address this problem. Evelyn Honea stated that this particular business, if permitted, would be allowed to keep the storage container for two years. Afterward, Ms. Honea explained that, this particular one would be allowed the 60-day period. Mary Collette questioned if the container would be legal according to setbacks and location on the property. Ms. Honea affirmed and stated that within 60 days of passage of the proposed ordinance, they would be required to obtain the proper permit and would be given two years to find other means of addressing their storage issues. Howard Wright stated he had spoken with the individual who raised the issue and stated there were other violations, which have been reported.

Cindy Rushefsky questioned if there were any requirements regarding setbacks. Cecelia Copeland responded that the ones obtaining an annual permit must submit a plat plan; however, the ones that are on a temporary basis (30 days) were not required to submit a plat plan. Ms. Rushefsky questioned if the business mentioned should have been permitted. This was affirmed and noted that they would be required to obtain the permit. Mary Collette noted the sheer volume of the storage containers and the necessity for allowing the time period. Evelyn Honea commented that there were five that were legally permitted. Howard Wright noted that the general provisions addressed setbacks and limitations.

At this point, the Committee allowed comments from individuals who had not spoken to the issue.

Lee Gannaway questioned if there were any deadlines for the submission of comments and suggested that 30 to 60 days be given for individuals to submit comments. Mr. Gannaway briefly discussed his client's concern with the impact it would have on his business. Gary Deaver mentioned that Mr. Gannaway's client had testified on the issue when the 2000 ordinance was approved and had operated for seven years with a full understanding. Mr. Gannaway clarified that it was his client's customers who would be impacted. Mr. Deaver explained that there had been a second extension on the administrative delay. Mary Collette added that the issue had been discussed for approximately two years and stated she believed that they were getting closer to something that would be reasonable.

John Wylie remarked that he had no objections to allowing 30 days for a response. Cindy Rushefsky stated that she believed the Committee should be aware of all the potential issues before acting. Ms. Rushefsky remarked that she also believed 30 days would be reasonable. Gary Deaver commented on the discussions that occurred before the Council in the year 2000 and discussions with former Council members in regard to the lack of enforcement. Mary Collette stated she would be comfortable with delaying the issue for 30 days. Evelyn Honea stated that the 120-day administrative delay should allow the 30 days; however, noted that the issue must be presented to the Planning and Zoning Commission. Ms. Honea remarked that the Planning and Zoning Commission would provide an opportunity for testimonies.

Eric Roberts was given the opportunity to speak and stated that seven days would be too short of a time period for uses in a residential area. Mr. Roberts questioned how regular business trailers would be addressed (example of J.B. Hunt.) Cecelia Copeland clarified that the exemption for customary activity would address these businesses.

Mary Collette requested clarification that PODS had a storage component in which the pod was picked up and placed in storage. Mr. Roberts responded that everything that was full was placed in storage. Ms. Collette remarked that the seven days should not have an impact on these.

Brian Cates, PODS, remarked that there were occasions when there was a delay closing on a house and certain cases in which individuals were moving elderly parents. Mr. Cates stated that 30 days had been determined to be reasonable in other cities. Mr. Cates remarked that these purposes were similar to the issue of remodeling.

Mary Collette suggested, with the Committee's permission, that staff review the 30-day request. John Wylie indicated his agreement. Cindy Rushefsky questioned if there was a general provision that indicated that a reasonable request could be reviewed. Howard Wright responded that there would be an opportunity through the Board of Adjustment and stated that he would research and provide a response. Mary Collette noted that the Board of Adjustment involved a lengthy process, and remarked that the Director of a Department has, on occasion, been given authority to approve certain situations. Ms. Rushefsky suggested adding the language giving the director the authority to review special hardships.

Brian Cates explained that his company does not ask the customer what the intended uses were, such as remodeling or moving. Mary Collette remarked that Mr. Cates could provide the ordinance to his customers, if passed. Gary Deaver stated that the seven days would not require a permit and this was part of the justification and suggested that 30 days might require the permit.

Dan Chiles suggested that the Chamber of Commerce review the issue. Mr. Chiles commented that some companies do not have the means to build a warehouse, and stated he believed the City should be more sympathetic to businesses. Mr. Chiles remarked that the number of complaints had been small and noted that importance of labeling on trailers. Mr. Chiles stated that it was a "hassle" to get a permit and noted the limited resources for enforcement.

Mary Collette remarked that there would be a revenue stream associated with the proposed. Ms. Collette introduced Ryan Moody from the Chamber and stated that the 30 days would allow the Chamber more time to review.

John Wylie remarked that a permanent structure would be safer and in compliance with fire regulations, and noted that there must be a plan where the trailers would be located.

Mary Collette stated that the number of trailers was increasing rapidly, and other industries (construction) might be hurt by the use of the storage containers.

Cecelia Copeland remarked on Mr. Chile's comments regarding hazardous material storage. Ms. Copeland stated that the having storage inside a building provided the benefit of being covered under the fire code, which requires shelving, ventilation, and sprinkler systems. Ms. Rushefsky added that non-regulating the placement of the storage containers could result in a dangerous situation.

Gary Deaver remarked that some of violators are the largest companies that could afford a building. Mr. Deaver discussed the comment regarding the lack of complaints, noting that many believed the containers were permitted and stated citizens have commented on the blight that was a result of the containers.

Howard Wright stated there was a distinction between a shed and a storage container, noting that a shed must be on a foundation.

Mary Collette questioned the language regarding the fees and suggested that the fee for renewal be the same as the fee for the review of the application. Ms. Collette requested staff provide an answer before the next meeting.

Gary Deaver questioned the process for notifying individuals of the meeting. Brenda Teeslink, citizen, stated that she had requested the City notify the general retail and heavy manufacturing districts. Mary Collette responded that this was one of the reasons for including the Chamber in the discussion. Ryan Mooney responded that the Chamber was in process of reviewing the issue through the Development Input Issues Group (DIIG), and stated that the Chamber did not have a vehicle set up to review the issue. Jeff Childs, Chair of the DIIG Committee, stated that the DIIG Committee received the ordinance; however, the next meeting would not be held until July. Mary Collette questioned if there were any other formats that the issue could be presented.

Mary Collette questioned if there were any suggestions on how to provide information and receive feedback from the DIIG and Chamber. Jeff Childs stated that there was a question as to the reason why another law was being passed if enforcement was not currently being followed. Howard Wright responded that the idea was to move away from a complaint-based enforcement, as the numbers were increasing.

Gary Deaver remarked that the Council had indicated a concern with non-compliance, resulting in the Administrative Delay. Mary Collette questioned if the Chamber could meet within the 30-day timeframe. Ryan Mooney responded that discussion had begun in a virtual format.

With no further discussion, the meeting adjourned at 1:15 p.m.

# COMMUNITY INVOLVEMENT COMMITTEE MEETING

## July 3, 2007 12:00 Noon

#### FOURTH FLOOR CONFERENCE ROOM

**MEMBERS** 

PRESENT:

Mary Collette, Chair; John Wylie, Cindy Rushefsky, Dan Chiles

**MEMBERS** 

**ABSENT:** 

None

**STAFF** 

PRESENT:

Evelyn Honea, Assistant City Manager; Howard Wright, Special Counsel; Nick Heatherly, Director of Building Development Services; Cecelia Copeland and Chris Straw, Building Development Services; Clay Goddard, Director of Information Systems; Johnny Burgess, City Prosecutor; Ralph Rognstad, Director of Planning and Zoning; Randall Whitman, Planning and Development; David Hall, Fire Department; Louise Whall, Public Information Office; Brenda Cirtin, City Clerk, and Anita Cotter, Assistant

City Clerk

**GUESTS:** 

Mayor Pro Tem Gary Deaver; Ryan Moody, Chamber of Commerce;

Citizens/Businesses/Representatives-please see attached list

Mary Collette, Chair, called the meeting to order at approximately 12:05 p.m. Ms. Collette extended appreciation to those who submitted comments in writing.

John Wylie moved to approve the minutes of June 6, 2007. Cindy Rushefsky seconded and the motion was approved.

## **Outdoor Storage**

Howard Wright provided a brief history of the issue and discussed the ordinance approved in 2000. Mr. Wright explained that the majority of the current trailers and storage containers were not in compliance with that ordinance. Prior to the passage of the ordinance, units were regulated as accessory uses under the general zoning ordinance and were allowed on a limited basis. Mr. Wright explained that the current ordinance recognized that storage containers and trailers could be used in a limited area; however, a permit was required. Mr. Wright stated that a review of storage containers indicated an underlying philosophy that the permanency of storage containers in a retail area was a prevalent concern. Mr. Wright added that the proposed ordinance would allow containers to be permitted in industrial zones on a permanent basis. Mr. Wright referred to a draft that was provided and noted the importance in reviewing the problem.

Mr. Wright discussed the comments received on the issue. Mr. Wright stated that one of the comments referred to a provision in the current ordinance that indicated that "Municipal Court has the authority and power to make a determination after hearing the evidence of the economic value of continuing the violation....and shall assess a fine sufficient in a Court's judgment to deter a continuation of the violation." Mr. Wright stated that there was a concern that a low penalty would not be an effective deterrent.

Mr. Wright continued and referred to a letter from Battlefield Mall, explaining that the existing ordinance allows for construction activities while facilities are being remodeled, which should satisfy their concerns.

Mr. Wright remarked that the letter from J.C Penny indicated opposition to the ordinance; however, did not offer any proposed changes. Mr. Wright stated that many businesses previously contained areas within their business for storage.

Mr. Wright explained that a letter from Eric Roberts indicated that all industrial zones should be exempt. Mr. Wright remarked that this would counter the Committee's philosophy that storage containers or trailers should not replace permanent facilities, which would be regulated under the Fire Code. Mr. Wright explained that the Fire Code did not address storage containers. Mr. Wright stated that Mr. Roberts questioned why trailer parking would be affected by building setbacks in industrial and manufacturing zones. Mr. Wright explained some zones might not require setbacks; however, if there were setback requirements, a trailer would be located outside the normal setback area. Mr. Wright commented that there was a question regarding the reason stacking was not allowed. Mr. Wright stated staff had discussed this issue and a determination was made to allow the stacking of up to five units. Mr. Wright explained that staff recognized that goods would be delivered and transferred, which would involve the loading and unloading of units. Mr. Wright also explained that the objective of the proposed ordinance was not to regulate this type of activity in the normal course of business; however, a large number of units being used for storage are replacing warehousing.

Mr. Wright referred to a letter from former Mayor, Lee Gannaway. Mr. Wright explained that the ordinance requires storage containers or trailers to be located in a lawful area. Mr. Wright remarked that Mr. Gannaway's letter questioned what would occur when the container was required to be moved, as they might contain merchandise. Mr. Wright stated that this would be addressed similarly to any other contractual arrangement. Mr. Wright recognized that there were a number of present units in violation of the current ordinance, as stated in Mr. Gannaway's letter. Mr. Wright commented that there was also a question whether the proposed would apply to City property, or if there would be any special exception for the City. Mr. Wright explained that there would be no exceptions and stated there had been discussions with the Parks Department and Public Works regarding compliance. Mr. Wright remarked that some temporary storage containers could be converted to structures or could be located in a manner in which they would comply with the ordinance. Mr. Wright stated that the City would expect the person renting a storage container to comply with the law. Mr. Wright explained that he had discussed with Nick Heatherly the creation of online systems to facilitate the process for permitting. Mr. Wright stated that with permanent containers, allowed more than 60 days, a permit for five units could be obtained, which would allow the moving in and out of the trailers within the permitted area. Mr. Wright noted that there would be annual inspections.

In regard to Patrick Platter's correspondence, Mr. Wright explained that there was a need to address the issue. Mr. Wright added that repealing the ordinance would not address the problems and noted that storage units appeared to be used more than before.

Mary Collette requested clarification of the changes that had been made to the proposed ordinance. Mr. Wright provided copies of the draft ordinance indicating the revisions and discussed the various changes highlighted in the draft.

Ms. Collette questioned the allowance of permits under limited circumstances that was mentioned at the previous meeting. Mr. Wright responded that the section pertaining to construction would allow the Director of Building Development Services the authority to permit a storage container on another lot.

Cindy Rushefsky questioned if this would be the only allowance that would provide greater flexibility, stating that she believed the discussion had been broader on the issue. Mr. Wright responded that "unbridled" discretion should not be given to a director and noted the need to have standards that could be followed. Mr. Wright stated that an individual has the right to seek a variance and that the Director would have some authority under the Zoning Ordinance to interpret the situation.

Mary Collette remarked that, if other issues arise that need special consideration by the Director of Building Development Services, they could be added at a later date.

Nick Heatherly discussed the authority that he believed appropriate, noting that City Council should have the ultimate authority in establishing policies and procedures. Mr. Heatherly stated that the department would need as much direction from the Committee as possible; however, noted that an ordinance could not be written that would address all possible situations.

Howard Wright stated that certain situations could be identified as exceptions and could be added, which would provide the necessary authority. Mr. Wright remarked that others could be added later.

Mary Collette commented that many of the changes in the proposed before the Committee were a result of comments received by individuals that would be impacted.

Ralph Rognstad explained that a variance requires that individuals demonstrate a hardship and demonstrate they were being treated unfairly as compared to others with similar zoning. Mr. Rognstad stated it would be difficult to present the same case in regard to storage containers.

Gary Deaver extended appreciation to staff and the Committee for their efforts. Mr. Deaver discussed a situation in which storage containers would be allowed under the proposed ordinance. Mr. Deaver remarked on comments regarding the loading and unloading of storage trailers in a residential district for moving and noted that a compromise was reached that would extend the allotted time from three days to seven days.

Bryan Cates, PODS, explained that his company did not "typically" involve on-site storage containers, stating that it was a moving business. Mr. Cates stated that there were a number of reasons that a customer would not be able to load or unload a container within seven days. Mr. Cates remarked that his company has only received one complaint regarding his "pods." Mr. Cates stated that the proposed would make it more difficult for business and explained that his main concern was related to the seven-day regulation.

Gary Deaver questioned if Mr. Cates would be comfortable with a permitting process if there were a possibility to allow more time for issues other than remodeling. Mr. Deaver added that, as it was currently proposed, a permit would not be required. Mr. Cates provided the example of citizens whose children come from out of town to assist them in their move, which could involve an extended period of time. Mr. Cates offered to provide the committee with a report of the number of units that had been placed by his company.

Cindy Rushefsky requested Mr. Cates to comment on the possibility of an extension process that would allow an extension beyond the seven days. Mr. Cates responded that he believed customers would be receptive to applying for a permit if the containers would be in place longer than a certain number of days. Mr. Cates explained that this requirement could be added to their application process initiated at their call center. Mr. Cates stated that it would involve a small number of customers who would need the extension. Ms. Rushefsky suggested that the process would require no permit for a seven-day placement;

however, if the time were expected to be longer, a permit would be required. Mr. Cates responded that there could be an instance with a closing of house that might impact the number of days.

Mary Collette recognized that there would be numerous possibilities that could impact the number of days; and noted that Mr. Cates was indicating that an extension of the number of days would be desirable.

Tom Barr, owner of JCB Containers, stated he would not be in favor of a permitting process, as it would negatively impact his business.

Mary Collette questioned if the businesses would agreeable to an extension to 14 days. Mr. Cates responded that he would need time to review his records to make this determination. Mr. Barr commented that businesses were attempting to comply with the ordinances.

Dan Chiles questioned who was having an issue with the containers, noting there were larger issues for the City to address. Mr. Chiles stated that, as part of the wealth of the Country, individuals purchase more "stuff" and storage is needed, which was an indication of economic activity. Mr. Chiles remarked that all involved had good intentions and suggested stripping the ordinance to address non-allowance in a fire lane, requiring the containers to be marked indicating what was enclosed, and addressing basic safety issues. Mr. Chiles added that this would allow more serious issues to be addressed.

Gary Deaver extended appreciation to Patrick Platter for sending notes from the meeting in August 2000 that addressed the issue. Mr. Deaver explained that he had studied the issue for approximately four years after being made aware of complaints received by staff, particularly in commercial establishments. Mr. Deaver stated staff contacted other communities and discovered that nine communities had completely banned the use of storage containers. Mr. Deaver stated that citizens had indicated that they believed the containers were being regulated, and added that some Council members had indicated surprise that only five individuals had followed the required process. Mr. Deaver noted that an attempt had been made to relax the policy to aid compliance; however, this was not successful. Mr. Deaver added that there had been numerous complaints from residents and neighborhood organizations, who assumed the City was regulating the containers.

Mary Collette explained that the Committee was attempting to encourage reasonable and productive use of storage containers. Ms. Collette remarked on the increase in the use of storage containers and commented on the impact to the construction industry. Ms. Collette stated that there were citizens who believed the containers to be "unsightly"; however, believed the City was making sure that the containers were safe.

Cindy Rushefsky requested an explanation on how the new ordinance would be enforced, noting that the previous ordinance was not enforceable. Howard Wright responded that enforcement was a key issue in the proposed ordinance. Mr. Wright explained that the City desired to create responsibility by the lessor by creating presumptions of the ordinance for the owner, the person in control of the property, or the person leasing the property. Mr. Wright stated that a responsibility party must be a part of the identification for prosecution. Mr. Wright explained that the current ordinance was enforced on a complaint basis and fees for the proposed ordinance would help support the payment for enforcement. Mr. Wright stated that there was no intent to develop an ordinance that could not be enforced. Ms. Rushefsky questioned how the City would respond if there were no new applications for a permit. Mr. Wright responded that personnel would identify those who did not have a permit and begin the process of prosecution. Mr. Wright added that individuals would have two years to comply or dispose of the container.

John Wylie remarked that there were three areas of concern, the first being containers in residential areas. Mr. Wylie stated he was in agreement with the possible burden that would be on the business that served the residential areas; however, noted that there was a limit to citizens' tolerance. Mr. Wylie remarked on businesses that had containers in the mall parking lot, and stated that the containers could be "unsightly." Mr. Wylie stated that there was also a concern with areas of general manufacturing and the need to be aware of what was contained in the trailers for the safety of personnel. Mr. Wylie stated he would not be ready to send the issue to Council until a better understanding of the issue was gained, especially in regard to general retail areas. Mr. Wylie commented on the legitimate concern presented by Don Bracy.

Don Bracy explained he was in the business related to construction of offices and warehouses. Mr. Bracy commented on the taxes for personal property that would not apply to the storage containers. Mary Collette remarked that Mr. Bracy was suggesting that this was unfair competition. Mr. Cates responded that he did pay taxes on his units. Brenda Teeslink added that she also paid taxes on her units.

John Wylie moved that the residential portion be removed and the issue be forwarded to the Planning and Zoning Commission to allow a public hearing process to be followed.

Cindy Rushefsky requested clarification that Mr. Wylie was only suggesting removal of the residential portion. Mr. Wylie clarified that removing the residential would allow the retail and general manufacturing portions to remain.

Nick Heatherly requested clarification that the removal of the residential section was an indication that the Committee was approving the unlimited placement of storage trailers in residential areas. John Wylie responded that he did not believe there was a problem in the residential areas.

Mary Collette commented that a suggestion was made that the Committee was approaching the issue "piece by piece". Ms. Collette added that an extension of the administrative delay would be needed if the issue was not sent forward to the Planning and Zoning Commission. Nick Heatherly remarked that attempting to apply the ordinance equally to everyone would be difficult. Mr. Heatherly added that the containers utilized in Mr. Cates' and Mr. Barr's businesses were temporary in nature; however, noted that there were others that were permanently located in residential districts. Mr. Heatherly discussed problems with these containers.

Gary Deaver stated that the administrative delay did not require the grandfathering of existing units. Mr. Deaver remarked that he was concerned with Mr. Wylie's recommendation to move forward without the regulations in the residential areas. John Wylie responded that his recommendation was related to the pods that were used by residents. Mary Collette suggested reviewing the size of units.

Howard Wright referred to language in the proposed ordinance regarding residential areas. Mr. Wright stated that the current language indicated there would be a limit of seven days; however, businesses had indicated that they believed 30 days would be sufficient. Mr. Wright explained that changing the language to allow a 30-day limit, or some other time limit, would address the permanency question. Mr. Wright remarked that there had been no objections to the requirement for the containers to be located on a legal parking space on a lot for loading and unloading. Mr. Wright noted that there were exceptions for remodeling.

John Wylie recommended that the seven days be extended to 30 days. Brian Cates remarked that his business could be operated under this provision. At this point, Mr. Wylie withdrew his original motion and moved to change the seven-day limit to a 30-day limit and forward the issue to the Planning and Zoning Commission. Cindy Rushefsky seconded the motion.

Dan Chiles requested clarification regarding the issue being sent to the Planning and Zoning Commission. Mary Collette clarified that there would be an opportunity for public hearings and discussions at the Planning and Zoning Commission meeting. Mr. Wylie added that the Planning & Zoning Commission would have the option of having a sub-committee to review the issue. Mr. Chiles questioned if the reason it was being sent to the Planning and Zoning Commission was due to it being a part of a land-use issue. Howard Wright explained that the reason it was being sent to the Planning and Zoning Commission was due to the issue being part of the Zoning Ordinance, which regulates land and safety. Ms. Collette added that it also was related to health and safety and stated that it would also provide a measure of the community's stand on the issue.

With no further questions, the motion was approved.

With no further business to come before the Committee, the meeting adjourned at 1:12 p.m.

#### COMMUNITY INVOLVEMENT COMMITTEE MEETING

#### August 20, 2007 7:00 PM

#### Council Chamber, Old City Hall, 830 Boonville

**MEMBERS** 

PRESENT: Mary Collette, Chair; John Wylie, Cindy Rushefsky, Dan Chiles

**MEMBERS** 

ABSENT: None

**STAFF** 

PRESENT: Evelyn Honea, Assistant City Manager; Howard Wright, Special Counsel; Nick

Heatherly, Director of Building Development Services; Ralph Rognstad, Director of Planning; Barry Rowell, Fire Chief; Louise Whall, Public Information Office; Anita

Cotter, Assistant City Clerk, and Karen Dowdy, City Clerk's Office.

**GUESTS:** 

Council Members: Denny Whayne, Doug Burlison, Gary Deaver, John Wylie, and Ralph

Manley. Citizens: A sign-up sheet was made available for attendees to sign. The sign-

up sheet is on file in the City Clerk's Office.

Mary Collette called the meeting to order at approximately 7:01 p.m. and discussed the function of the meeting and what would be occurring. A matrix was provided that outlined the requirements for the ordinance and Ms. Collette encouraged attendees to provide written comments regarding the ordinance on the matrix. Ms. Collette explained the Committee's action regarding the issue. Ms. Collette outlined the process that would be followed for speakers to address the issue and encouraged speakers to provide constructive suggestions.

#### **Minutes**

John Wylie moved to approve the minutes of July 3, 2007 as presented. Cindy Rushefsky seconded and the motion was approved.

Ms.Collette welcomed the other members of City Council who were present.

#### **Staff Presentation**

Nick Heatherly, Director of Building Development Services, provided visual examples and discussed situations in which storage containers were being used as warehousing. He explained that containers were being used in a variety of areas and situations, with some located adjacent to single-family residential districts. Mr. Heatherly noted that many containers were beginning to rust out and were being topped with roofing materials. He explained that some containers are visual problems within the community and stated that other containers have been placed adjacent to structures and connected to utilities. Mr. Heatherly stated the proposed ordinance addresses a majority of situations. He remarked that comments received by Council and community noted frustration with the current ordinance that is not being effectively enforced. Mr. Heatherly explained the current ordinance had been enforced on a complaint basis; however, he added the City's current regulations have not worked.

Ms. Collette requested clarification that there was a consensus that fire lanes and access for responders was a concern; as well as health and safety issues regarding items stored in containers and the blockage of utilities, which would all be addressed by the ordinance. Mr. Heatherly affirmed and stated that he had spoken with the Fire Chief, who is in agreement. He stated that a decision was made to have Fire Marshals enforce these types of violations as soon as possible; however, recognizing that the locations where storage containers would be moved would still be a violation of the zoning ordinance until the issue was resolved.

Dan Chiles questioned the number of storage containers located within the community. Mr. Heatherly responded that he could not provide an exact number at this time; however, stated a business owner had estimated the number at a couple of thousands. Mr. Chiles questioned how many businesses would be impacted by an ordinance addressing containers. Mr. Heatherly responded that he did not have enough information to answer accurately. Mr. Chiles asked if a survey had been conducted to determine the financial impact on business. Mr. Heatherly responded that a survey had not been conducted. In response to a comment by Mr. Chiles, Mr. Heatherly clarified that the storage containers were found in every zone in Springfield. Mr. Chiles asked if Mr. Heatherly viewed any value in balancing the interest of concern of storage containers with the interest of businesses. Mr. Heatherly responded that there is merit to Mr. Chiles commented; however, noted that there were other aspects to the effect of storage containers on the community, such as impact on adjacent properties. Mr. Chiles questioned the number of complaints that indicated that there was a widespread public concern. Mr. Heatherly responded that City staff has received more complaints in the previous few weeks as a result of the raised awareness due to the numerous meetings on the issue. Mr. Heatherly stated he has received comments that individuals presume that the containers were legal. He discussed the importance of being proactive. Mr. Chiles questioned if staff could quantify how many emergency responses that have occurred in the community over the previous seven years. Mr. Heatherly responded that he believed this information would be available through the Fire Chief. Mr. Heatherly explained that shipping containers and trailers designed to transport goods were being changed into commercial warehouse space, which is a violation and a problem with the building code aspects of the issue in question. Mr. Heatherly stated that the building code addresses what is being stored, quantities, egress, and health issues pertaining to occupants, which are considered in the design and construction of a building. Mr. Chiles questioned if Mr. Heatherly were willing to discuss the issue with a delegation of users to listen to their concerns. Mr. Heatherly affirmed and indicated that City staff had conducted meetings with users and had sent out requests for feedback; however, the City has received very little feedback at this time.

Denny Whayne remarked on the benefits of the discussion regarding the issue in question. Mr. Whayne stated that some citizens were not familiar with the requirements and did not have an understanding of the safety aspect of the issue. Mr. Whayne noted the importance of informing the public of what is expected by the City.

Gary Deaver commented on Mr. Chiles remarks and explained that he has received a complaint from a citizen who is having problems with a nearby business that used storage containers. He presented a history of how the issue progressed. Mr. Deaver stated that a survey was sent to suppliers of storage containers; however, only a few responses were received. In response to a request by Mr. Deaver, Nick Heatherly clarified that shipping and receiving operations and warehousing operations would be exempt. Mr. Deaver questioned if a construction company using containers at a construction site would be exempt. Mr. Heatherly affirmed and explained that smaller construction projects that do not require a building permit would be allowed to temporarily use the storage containers for approximately 30 days. Mr. Deaver requested Mr. Heatherly address the storage containers in heavy manufacturing, general manufacturing, and light industrial districts. Mr. Heatherly responded that the permanent locations would be similar to outdoor storage as it was currently defined in the Zoning Ordinance, with specific locations and screening requirements for the placement of containers. He also discussed the approach taken to

review the current ordinance that was passed in 2000. In response to Mr. Deaver, Mr. Heatherly stated there was a great deal of input received from the community and businesses affected. Mr. Deaver stated that he had contacted a former Council member who was on Council at the time the previous ordinance was passed, who indicated surprise that storage containers have been placed throughout the City were not permitted.

Ms. Rushefsky remarked there was general agreement by City Council in regard to the issue of safety. Ms. Rushefsky requested clarification that all of the concerns presented by Chief Barry Rowell, Fire Department, at the Council meeting could be addressed by the current fire code. Mr. Heatherly responded that his knowledge of the magnitude of how the containers were distributed throughout the community was limited and could not indicated that all concerns could be addressed by the Fire Code. Mr. Heatherly noted that the Fire Code is applied city wide, and a significant number of the Fire Code related issues could be addressed. Ms. Rushefsky questioned if there was a concern that the Fire Code did not cover storage containers. Mr. Heatherly responded that the Fire Code did not address containers specifically as a warehouse, as it addressed structures and storage containers were not structures. Mr. Heatherly added that the Fire Code would address separation and location issues. In response to a question by Mr. Heatherly, Chief Rowell affirmed that the Fire Code addressed quantities. Mr. Heatherly noted that the Building Code also addressed these issues. Ms. Rushefsky questioned if there was an expectation of a change in personnel. Chief Rowell responded that there would be no change in personnel and explained that there was a current inspection process and that storage containers would be inspected in the normal process. Chief Rowell continued that any serious violation would be addressed immediately. Ms. Rushefsky commented on the photos presented and questioned if an effort had been made to coordinate the photos with any particular season. Mr. Heatherly responded that the photos were taken citywide and were typically conducted in the spring. Ms. Rushefsky noted the photos were not a good indication of what was occurring in December.

Mr. Wylie extended appreciation to Mr. Heatherly for his efforts regarding the issue of storage containers and trailers. Mr. Wylie questioned what regulation Building Development Services could currently enforce. Mr. Heatherly responded that Building Development Services could enforce section 5-1006 of the Zoning Ordinance pertaining to on-site storage, which stipulates that shipping containers and storage containers used for storage space were only permitted in the General Retail, Highway Commercial, and Industrial Commercial districts. Mr. Wylie questioned how staff determines the length of time a storage container has been in place. Mr. Heatherly responded that the normal process requires someone to apply for a permit and to submit a site plan, which is reviewed for conformance with the current ordinance. Mr. Heatherly explained that only five applications for permits had been filed at this time. Mr. Wylie discussed the "just-in-time" concept for seasonal goods, and questioned if there were a provision that would assist with the ones that must work with this concept. Mr. Heatherly responded that the ordinance provides for the temporary placement of containers in commercial areas. He stated the information City staff has received indicates the need for the containers does not lend itself to any specific time frame of the year and is a year-round issue. Mr. Heatherly discussed the various businesses. Mr. Wylie remarked that many businesses would not want to have the expense of renting a storage container long term. Mr. Wylie commented on the VISION 20/20 plan that indicated there should be no adverse impact or clutter. Mr. Wylie requested that the Fire Department address what could be enforced. Chief Rowell responded that the Fire Department could enforce blocked apparatus, access roads, connections, blocking of utility cutoffs, and amounts and types of hazardous materials. He stated that the Fire Code was based on structural interpretation and storage containers were not listed specifically in the Fire Code. Chief Rowell explained that the Fire Code provides with the ability to have some flexibility in situations that are not specifically addressed. He stated he anticipates a revision in the Fire Code in relation to storage containers in the near future. In response to a request for clarification, Chief Rowell clarified that the City used the International Fire Code. Mr. Wylie related a situation he had observed. Mr. Wylie requested clarification that the Fire Department would have the authority to address a violation by either ticket or

fines. Chief Rowell responded that City staff attempts to gain compliance; however, he added the Fire Code does allow the authority to issue a fine. Mr. Wylie questioned the consequences to the City if the fire and safety issues are not addressed. Howard Wright, Special Counsel, stated that there would be no liability to the City under current case law.

Ralph Rognstad, Planning and Development Director, clarified that the current ordinance only allows storage containers in the General Retail, Highway Commercial, and Industrial Commercial districts. He added the ordinance was structured that the use would only be permitted in the district listed. Mr. Rognstad remarked that there would need to be a change in the ordinance to allow in other districts even if following the Fire Code only. He noted the proposed change would allow storage containers in Restricted Industrial, Heavy Manufacturing, General Manufacturing, and Light Industrial, and permanent placement being in the Heavy Manufacturing, General Manufacturing, and Light Industrial. He added there becomes an issue when trailers move to conform with the Fire Code, when the trailers impact screening.

Mr. Wylie remarked regarding the current zoning for Office or General Retail, there are times when more parking spaces are built than required, and stated that storage containers could be placed in the extra spaces. However, noted that there are problems with visibility and questioned if buffering or screening being added to the ordinance could Mr. Rognstad perceive the containers being allowed. Mr. Rognstad stated that buffering and screening was helpful; however he noted that some trailers are approiximately 14 feet in height, and the, existing ordinance required a six foot fence to shield the trash and pallets. Mr. Wylie noted the newness of the containers and their growth and suggested that measures be taken to adjust and allow containers to be used; however, with regulations. Ralph Rognstad remarked on the need for finding a balance.

Mr. Deaver remarked on the matrix and made comments regarding the screening. He requested clarification that the proposed ordinance did not require screening.

#### **Public Comment**

Rita Needham, Southwest Area Manufacturers Association (SAMA) Springfield, MO spoke to the issue and requested that her organization be provided information in the future. She briefly discussed the issue of general manufacturing. Ms. Needham stated that SAMA would be agreeable with some restrictions in regard the number per square footage and safety and health issues. She stated that many of the manufacturers are good at recycling and many currently have containers to recycle scrap materials, which requires separate containers. Ms. Collette encouraged Ms. Needham to forward any new comments she receives to the Committee. Ms. Needham also noted the importance of education. She also stated a concern with the cost of the site plan, which would be approximately \$2,000 for a professional site plan.

Mr. Wylie questioned if there had been any concerns voiced regarding the fire lane issues. Ms. Needham responded she did not believe this would be a problem with the manufacturers and stated she believes the ones that might have containers in a fire lane would move them if educated to the problem.

Ms. Collette questioned what Ms. Needham believed to be a reasonable permitting fee and the site plan cost. Ms. Needham responded that the manufacturers would like to have ability to have input and a survey to be conducted. Ms. Needham offered her assistance.

Ms. Rushefsky remarked that the Committee would like for Ms. Needham to assist in the education process by surveying her membership. She noted that the information has been available; however, many were not aware of how to obtain the information.

Mr. Chiles requested Ms. Needham to survey her members with the point that it was "getting tougher and tougher to run a manufacturing plant all the time". He remarked on the ability to "act quickly" to difficult circumstances and the balances that must be considered between aesthetics and businesses. Mr. Chiles requested Ms. Needham to encourage manufacturers to bring an understanding to the community on the efforts of transporting materials. Mr. Chiles also commented on the need to consider the implications for manufacturers. Ms. Needham also commented on global competition.

Brenda Teeslink, 3398 East Farm Road 82, Springfield, MO, 65803, spoke to the issue. She explained that her business had developed an alternative proposal that would be submitted and noted she would like to present her proposal via Power Point. Ms. Collette requested a Committee consensus on the use of the PowerPoint presentation. Mr. Wylie stated that the Committee should consider whether anyone else at the meeting wishes to make a PowerPoint presentation. Ms. Collette questioned if anyone else attending wished to make a PowerPoint presentation to the committee. There were no attendees who indicated they had a PowerPoint presentation to make at this time. Anita Cotter, Assistant City Clerk, explained that Ms. Teeslink had followed the procedure and presented the disc to be checked for viruses prior to the meeting as required. Ms. Teeslink discussed trailers used in manufacturing and industrials areas and how her business accommodated these areas. She remarked that she believed that the storage of hazardous materials should not be eliminated; however, should be marked. Ms. Collette questioned if a date was applied indicating when the materials were placed in the containers. Ms. Teeslink responded that no date was listed. She discussed the alternative ordinance that was being proposed.

Mr. Deaver requested the Law Department review the proposal submitted by Ms. Teeslink and prepare remarks for Council. Mr. Deaver extended appreciation to Ms. Teeslink for her efforts. He noted the concept presented by Ms. Teeslink regarding a storage container not obstructing the view of an adjacent business; however, noted the need to be able to detail how enforcement would occur. Ms. Teeslink questioned if this could be addressed through setbacks. Mr. Wright responded that City staff would review.

Mr. Wylie remarked on an instance of willful violation. Mr. Wylie commended Ms. Teeslink for her efforts.

Charlie Teeslink, 3398 East Farm Road 82, Springfield, MO, 65803, continued the explanation of the previous proposal and provided the PowerPoint presentation.

Mr. Chiles commended Mr. & Mrs. Teeslink for their efforts. He questioned if Mr. & Mrs. Teeslink would be willing to serve on a panel if established. Mrs. Teeslink affirmed.

Carl Herd, 448 South Main, Springfield, MO spoke on the expense and the use of tax payers dollars.

Skip Tinney, 2825 North Kansas Expressway, Springfield, MO, spoke as a representative of Wal-Mart. He discussed the impact the ordinance would have on Wal-Mart., as they used the units for flex-storage. Ms. Collette requested clarification that Mr. Tinney's main concern was regarding the time limit on storage containers. Mr. Tinney responded that 60 days would not be sufficient time for the storage of stock.

Mr. Deaver questioned if other Wal-Marts, in other communities allow storage containers for handling storage. Mr. Tinney responded that they must limit the amount of merchandise brought into the store, which can impact sales. Mr. Deaver questioned the sales at the Sam's Club and the Wal-Mart on Independence. Mr. Tinney responded that they were very good stores. Mr. Deaver requested clarification that Wal-Mart would not be willing to build extra warehouse space on the property. Mr. Tinney

responded that there was not enough space in some cases. Mr. Tinney noted that a new store is being established in the former North Town Mall to alleviate the pressure on other stores. Mr. Deaver complimented the company and requested clarification that most of the trailers located at Sam's Club were licensed and used in transit. Mr. Tinney responded that he was responsible for the Wal-Mart Stores and stated that the manager of Sam's had indicated he had concerns.

Mr. Chiles questioned if Mr. Tinney would be willing to serve on a possible committee. Mr. Tinney affirmed that he would be willing to serve. Mr. Tinney offered the services of additional legal counsel.

Mr. Wylie remarked there had been complaints from residents regarding engines running on tractor trailers parked at various Wal-Marts, however, he noted this issue had been addressed. Mr. Wylie questioned if the recommended location for the placement of the containers would be agreeable to Wal-Mart. Mr. Tinney responded that the education process was helpful, and any negligent placement was not intentional.

Ms. Collette remarked that she had spoke with a store manager who indicated that Wal-Mart was moving away from the business model that uses storage containers. Mr. Tinney responded that part of the business model has been controlling expenses, and stated that the trailers were a necessity.

Jed Fields, United Machinery, 2315 East Chestnut Expressway, Springfield, MO, offered his business to be used as a test case and indicated he would be available to assist. Ms. Collette questioned what area of the ordinance was the most concerning for Mr. Fields. Mr. Fields responded that his business was not zoned to handle containers and referred to a letter he had submitted to the Committee, which indicated his concerns.

Mr. Manley noted that he was not a member of the Committee; however, he indicated it was important for him to attend to learn of the concerns. He remarked that it was Council's intent to assist the community and to offer the protection that is needed.

Mr. Wylie requested clarification of Mr. Fields comment regarding not being in the zoning. Mr. Fields responded that his business was located in a General Manufacturing zone, and stated he was not sure if he was in compliance under the current zoning. Mr. Wylie remarked on Mr. Fields efforts to become educated on the issue and questioned the type of containers Mr. Field had. Mr. Fields responded that their containers were 8 x 20; and were not on wheels.

Mr. Deaver requested any attendee that handled recycling to speak.

Thomas Bartalotta, manager of a recycling company, spoke and indicated that he had numerous manufacturers that used their services. He indicated that the ordinance would negatively impact his business. Ms. Collette questioned the type of recycling was conducted at his business. Mr. Bartalotta responded that his company recycles copper, cast iron, and other materials. Mr. Deaver requested clarification that the containers were "open-topped." Mr. Bartalotta responded that some were open, roll-offs, and vans. Mr. Deaver requested clarification that the vans were licensed. Mr. Bartalotta responded that most were licensed; however, roll-offs were not licensed at this time. Mr. Deaver noted these would not be regulated by the ordinance. Mr. Bartalotta explained that there were numerous times that containers from other facilities were used to hold the material for market value. Mr. Deaver commented on trailers for recycling with signage. Mr. Deaver noted a desire to accommodate efforts for recycling. Mr. Bartalotta stated that a plaquerd was required for any hazardous material. Mr. Deaver questioned the use of van. Mr. Bartalotta responded that some material cannot be wet and a dry unit was needed.

Mr. Wright commented that City staff would review how the issue would be handled under the current ordinance.

In response to a question posed by Mrs. Teeslink, Ms. Collette responded that licensure was not associated with the proposed ordinance.

Ms. Collette extended appreciation to those who attended and noted the productive nature of the meeting.

Mr. Wylie extended appreciation for the opportunities presented during tonight's meeting.

A member of the audience questioned the process that would be followed. Ms. Collette stated staff would review comments. Evelyn Honea stated a Council Lunch would be held the next day to obtain direction from the Committee and remarked that some of the individuals who spoke may be contacted to discuss the issue further.

Mr. Deaver questioned the language that referred to the \$145 fee for permanent placement and whether the audience believed it was a per trailer or per site charge. Mr. Deaver clarified \$145 was a one time charge for the site.

Ms. Rushefsky commented on a reference to a \$2,000 fee for a site plan and requested City staff address this comment. Mr. Rognstad explained that a professional designer might charge \$2,000. Ms. Rushefsky requested clarification that this would be required for determining the placement of the storage trailers. Mr. Rognstad responded that City staff normally relies on professional designer to ensure that all requirements of the ordinance are met. Mr. Heatherly stated that, from a review standpoint, a design submitted by a design professional allows staff to rely on their expertise and a decision could be made without requiring City staff to go to a site.

Mr. Wylie requested clarification on the \$2,000 fee and presented an example of a small business that has two storage containers. Mr. Heatherly explained that temporary storage containers would not require a site plan. Mr. Heatherly discussed the various time stipulations for temporary storage. Mr. Wylie requested information from smaller businesses regarding the expected duration of time expected that storage containers would be needed. Mr. Heatherly questioned how to incorporate comments from neighboring residential areas and commented on screening. Mr. Wylie remarked that screening would be less costly than a site plan. Mr. Heatherly stated that each situation would be different.

Ms. Honea explained a possible resolution involving another administrative delay would be presented at the next Council meeting, which would allow continued study of the issue regarding storage containers.

Mr. Wylie moved to adjourn. Mr. Chiles seconded, and the meeting adjourned at approximately 9:34 p.m.

## COMMUNITY INVOLVEMENT COMMITTEE MEETING

#### April 2, 2008 12:00 PM

# Busch Municipal Building, 4th Floor Conference Room, 840 Boonville

**MEMBERS** 

PRESENT: Mary Collette, Chair; John Wylie, Cindy Rushefsky, Dan Chiles

**MEMBERS** 

ABSENT: None

STAFF

PRESENT: Evelyn Honea, Assistant City Manager; Marianne Banks, Law Department; Nick

Heatherly, Director of Building Development Services; Ralph Rognstad, Director of Planning; Marianne Banks, Law Department; Louise Whall, Public Information Office;

Brenda Cirtin and Lisa Harley, City Clerk's Office.

**GUESTS:** 

Citizens: A sign-up sheet was made available for attendees to sign. The sign-up sheet is

on file in the City Clerk's Office.

Mary Collette called the meeting to order at approximately 12:00 pm and discussed the purpose of the meeting and what would be occurring.

#### **Minutes**

Ms. Collette informed the Committee that the previous minutes will be approved at the next meeting.

#### **Staff Presentation**

Evelyn Honea, Assistant City Manager, gave a brief overview of the purpose of the meeting.

Ms. Collette presented the Committee with a letter from Mayor Pro Tem Gary Deaver regarding the storage container issue.

Cindy Rushefsky expressed her appreciation to Mr. Deaver for his dedication to this issue. Ms. Rushefsky expressed her belief that the proposed will need an additional year for review.

Ms. Collette asked Nick Heatherly, Director of Building Development Services, to delineate the codes that aren't impacted by the administrative delay. Mr. Heatherly responded this may be a legal issue and not a building code issue. He added he would need to work with legal staff to come up with an answer for the committee.

Ms. Honea recommended the current administrative delay remain with an additional one year delay being created in July or August.

Dan Chiles expressed his support of the additional one year delay.

Ms. Honea noted the current administrative delay is in place until September 11, 2008.

Ms. Collette informed staff that she would like to hear any concerns the Fire Chief may have regarding this issue.

#### **Public Comment**

Bryan Cates noted he spoke with David Hall, Assistant Fire Chief, and he volunteered to hold a symposium to discuss fire codes relative to the use of storage containers. He expressed his belief that a symposium would help educate citizens and be very beneficial to the community.

Mr. Wylie noted this issue was not being delayed due to current budget concerns, adding it is an issue that needs additional review.

Amanda Dyscroft expressed her belief that the proposed delay was appropriate at this time.

The meeting adjourned at approximately 12:40 p.m.

# STORAGE CONTAINER Workshop

September 18, 2007 6 P.M.

Storage Container Owners/Lessors

**Residential Interests** 

# Section A GENERAL PROVISIONS

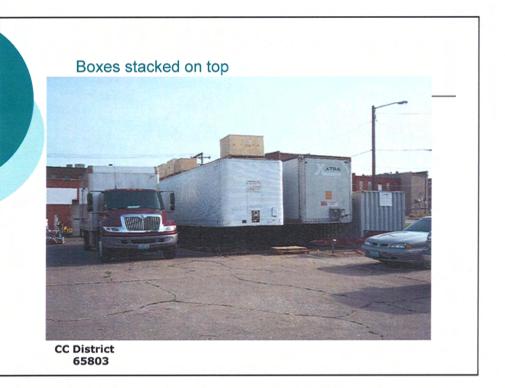
Concerns related to proper use:
Violation of Fire Code or Zoning
Ordinance
Utility Connections
Connected to any structure or building
Occupy required parking, circulation
aisles, setbacks, buffer yards, or
perimeter landscaping.





# **GENERAL PROVISIONS**

Concerns related to proper use:
Stacked one on top of another
Have trash. debris, merchandise, etc.
stacked up, under, around or on
top of the containers
Public Nuisance



Do we agree that we do not wish to have the city streetscape look like this?



GM District 65802

# TOYS R US



Summer 06

### **GENERAL PROVISIONS**

### **LIMITS AND REQUIREMENTS:**

Storing of hazardous materials

Meet the setbacks required for permanent structures in the zoning district

One per 10,000 square feet of floor area Same lot as principal use.





## Suggested Language for General Provisions

Be located so as to not be in conflict with the Fire Code or any provision of the Zoning Ordinance.

Not have any utility connection, temporary or permanent.

(May consider exceptions when meeting Building Codes, i.e., becomes a structure)

In General. All trailers and storage containers placed on property shall:

Not be physically connected to any structure or building as defined in the Building Code adopted by the City.

Not occupy any required on-site parking and circulation aisles, setbacks, buffer yard or perimeter landscaping nor block or impede the access of any public way.

Not be stacked one on top of another.

Not have trash and debris stacked up under, around or on top of the containers, including such items as pallets, mowers, fixtures, and/or merchandise/product, etc.

In General. All trailers and storage containers placed on property shall:

Not be used, maintained or operated in a manner so at to constitute a public nuisance under any provision of the City Code.

Any container storing explosives, corrosive gases, chemicals, other potential hazardous or regulated materials shall have a placard placed upon it and be inspected and approved in accordance with standard NFPA, OSHA, and/or ATF regulations as appropriate.

In General. All trailers and storage containers placed on property shall:

Meet the setbacks required for permanent structures in the zoning district.

Not exceed one (1) trailer or storage container per ten thousand (10,000) square feet, or part thereof, of permanent floor area provided there shall be a minimum of one thousand (1,000) square fee of permanent floor area.

In General. All trailers and storage containers placed on property shall:

Not exceed one (1) trailer or storage container per ten thousand (10,000) square feet, or part thereof, of permanent floor area provided there shall be a minimum of one thousand (1,000) square fee of permanent floor area.

Be on the same lot as the principal use except this provision may be waived by the Director of Building Development Services (Director).

### **Section B**

- Placement of Trailer and Storage Containers
  - Districts
  - Registration
  - Location on Site

### **PLACEMENT OF CONTAINERS**

#### **DISTRICTS**

GR, HC, RI, CS, IC, HM, GM, AND LI

### **LONG-TERM PLACEMENT**

Four (4) year registration period for site Signed application required

### **PLACEMENT OF CONTAINERS**

#### **Location on site**

Not on a corner lot -

Should it be behind the front building line of primary structure?

#### Corner lot -

Should it be behind front and side building lines of the primary structure – with exceptions?





### **PLACEMENT OF CONTAINERS**

#### Location on site

#### **Exceptions on Corner Lot:**

Street side – setback 50 feet and screened from right-of-way and adjoining rear property

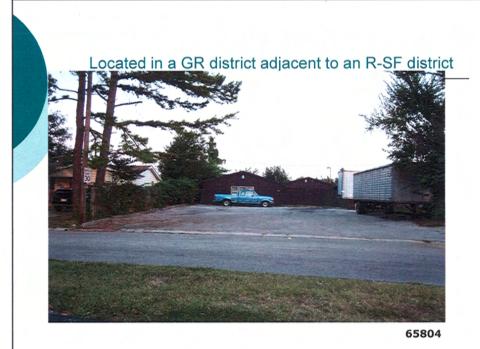
Opposite side – must be behind front building line

### Section C SCREENING REQUIREMENTS

### **Screening required:**

If located within 100 feet of residential district.

6 foot fence
Planting strip 10 feet from trailers
that will screen 6 feet
Combination of both



### Section D EXCEPTIONS

### **Exceptions**

Subject to General Provisions only:
Inventory for new business
Construction
Residential – 30 days
Loading and Unloading
Motor Freight Terminals

### Section D EXCEPTIONS

What needs to be exceptions for recycling?

Longer term in nature

No fee if the only use of a container on site is for recycling

Would need to be in compliance with general provisions, location on site, and screening. Must display a recycling symbol.

### Section E EXISTING USES

All existing sites must register within 60 days of the effective date of the ordinance and be in compliance with the ordinance within 90 days of the effective date of the ordinance.

### Section F SITE REGISTRATION

Application for site made by:

Owner of property

Person in control of property

Tenant or a person operating

a business on the property

### **Site Registration**

**Application made by:** 

Must be in writing, signed and include the name, address, and phone number of the responsible agent and the name, address, and phone number of the responsible agent for the lessor if unit is leased.

### **Site Registration**

Applicant shall provide access to such property and trailer or storage container for the purpose of making the inspections necessary to ensure compliance with the codes and ordinances of the City.

### **Site Registration**

Director shall establish rules for processing the applications and require additional information where needed to process the application.

Director shall provide the applicant with a list of all requirements and limitations by which they are to comply including a short educational briefing related to the safe use of storage trailers and containers.

### Administration, Enforcement, and Review

Division III of Article I of the Land Development Code shall apply.

Director shall have authority to deny any person who has violated subsection 5-1006 the future right to register the site.

### Administration, Enforcement, and Review

Notification of violations shall be provided in writing by the Director.

A period of not less than fourteen days from the date of inspection shall be given the registered agent to correct said violation.

### Administration, Enforcement, and Review

Continuing violation beyond the fourteen (14) days period given shall constitute a continuing violation and the minimum fine shall be \$50 per day per trailer for each day the ordinance is violated.

### Administration, Enforcement, and Review

Any trailer or storage container that is in violation is hereby declared to be a public nuisance.

### Administration, Enforcement, and Review

. . . . .

The fee for review and inspection of the four year registration of the site (not each storage unit placed on the site) shall be two hundred dollars (\$200).

A renewal application must be approved for the site prior to the fourth anniversary of the current registration.

# FUTURE MEETINGS Busch Building 4th Floor Conference Room

- o September 25 6 P.M.
  - Large Retailers
- o October 1 6 P.M.
  - Manufacturing and Industrial Interests

Residential/Neigborhood Issues will be discussed at all meetings.

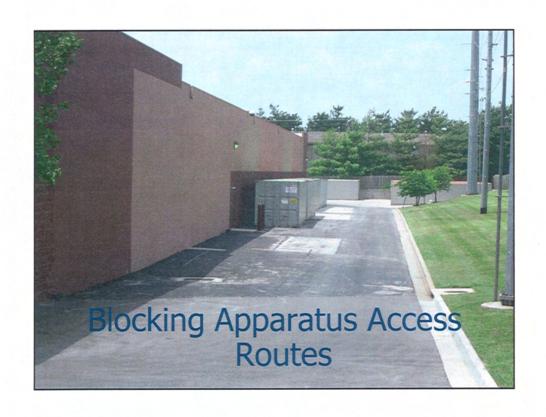
# What is the difference between a storage container and a building?

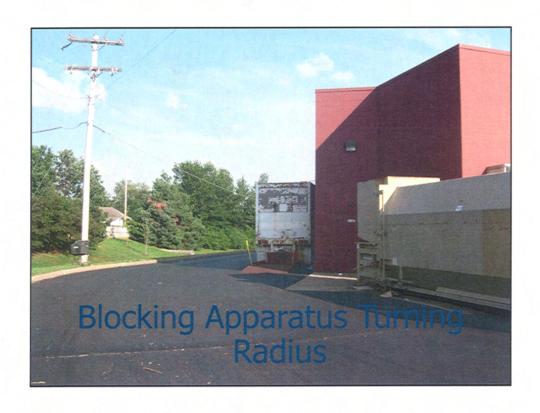
- Containers provide compartmentalization
- Buildings meet the fire and building codes
- Buildings ensure fire and life safety issues are addressed
- Forcible entry is harder

## What fire safety problems have the containers caused?

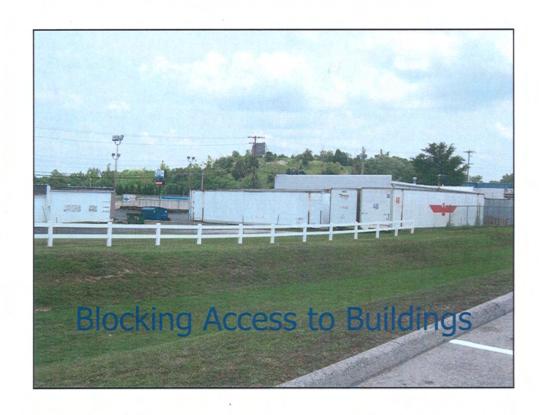
- Narrow fire apparatus access routes
- Reduce apparatus turning radius
- Block fire hydrants & FD connections
- Block gas shutoffs
- Limit access to building
- Improper storage
  - Hazardous Materials
  - Combustible materials
- Forcible Entry



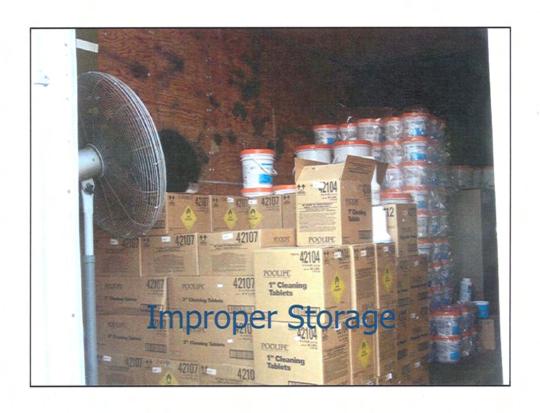




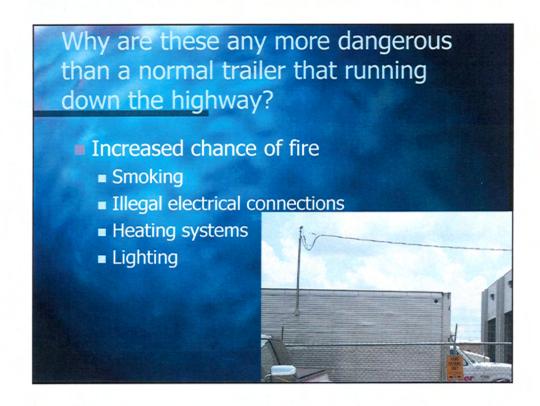






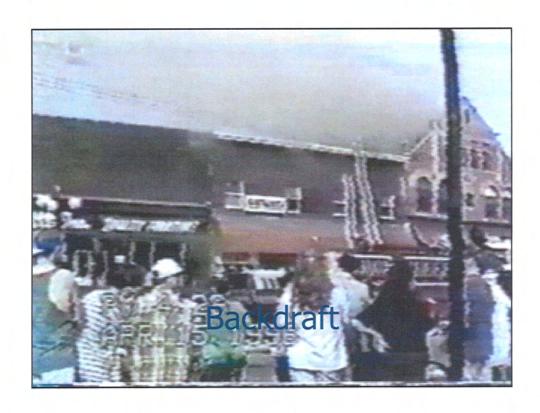






Wouldn't it be safer to store stock in them since there can only be a limited amount of combustibles in them?

- Yes, possibly
  - No alarms systems
  - No sprinkler systems
- Occupant safety
  - Exits
  - Lighting
- Fire fighter safety
  - Flashover
  - Backdraft





# Why can't they just be set out in the open and let them burn?

- May be best, if not against other structures
- Ties up fire companies
- Public Perception

Summary

Allow containers but
Control numbers
Control locations
Control contents
Limit ignition sources

DISCUSSION ITEMS FOR OUTDOOR STORAGE IN TRAILER AND OTHER STORAGE UNITS OF SIMILAR NATURE – CODE CHANGES PROPOSED TO BE DRAFTED TO DEAL WITH THESE ITEMS

Purpose: To accommodate this type of storage of goods in our community while maintaining public safety and health and scale of proportions between adjacent properties, preserving property values, avoiding nuisances. The paramount concern is public safety and health.

- 1. Allow some trailer storage on commercial lots in a similar manner to that allowed now with some accommodation for businesses such as tire stores. Trailer usage for storage and removal of used tires would assist Fire and Health Departments dealing with fire risk and stagnant water issues. Must meet all other codes, not take up required parking.
- 2. What is the appropriate number of trailers and location of trailers when there are multiple buildings on a premise or one lot? Trailer should be located on parcel or out lot of business using it, or behind the building of business using it.
- 3. Screening should be required from ALL right-of-way areas regardless of where the trailer is located. Perhaps more stringent screening if not behind a building too (in front of store, view from other businesses and right-of-way)
- 4. Zoning districts must be clarified. That is, it is allowed in all industrial districts and triggers screening the same as other structures. It must be secured in such a way as not to create hazard in high winds or other weather events.
- 5. What type of screening require? Should we use our current buffer yard definitions or develop new ones based on assumption there will be asphalt or pavement around the screened area and it will not be as wide as buffer yards? Also to maintain scale to adjacent properties and meet fire code of fire rated walls (too close to fences and adjacent properties), treat as a building for setbacks, and bulk plane but add that if more than bulk plane requirements, have to move back from set distance (to be determined) one foot for every foot of height over eight feet and fence must be as high as the storage container, but no less than six feet.
- 6. Health and others must have a right to enter and inspect these enclosed screened areas for trash and other health risks (vermin) as a condition of usage
- 7. Appeal process for when denied a permit, site plan rejected, told to remove or comply what is best and easiest way to facilitate this?
- 8. Limit more stringently the number may have for the square footage of the building involved. Suggestion is one for first 1,000 square feet, and then one for each 10,000 square feet after that. Is 1,000 square feet too small?
- 9. How do we treat permanent structures? Should we treat them differently than temporary storage containers and trailers? What is the difference in a storm?
- 10. Who gets the permit? Should require it to be the property owner, not just the tenant.
- 11. Who gets the ticket? Both the tenant and the property owner as either one could bring into compliance. Do we have any enforcement against any business which places without a permit in place or a license to have?
- 12. What is the permitting process? Do we have a license as with temporary vendors where site is approved,
- 13. How will the City fund this activity? Do we use permit fees to pay for this and enforcement?
- 14. Do we amortize and then have removed so that merchants may phase in the requirements? What will city be willing to do to amortize?

Updated Final Draft of 02-13-08 Pub. Imp. Govt. Grnt. Emer. P. Hrngs. IPO Required \_\_\_\_\_ Pgs. Filed: Sponsored by: Collette, Chiles, Rushefsky, & Wylie First Reading: Second Reading: COUNCIL BILL NO. <u>2008 -</u> GENERAL ORDINANCE NO. \_\_\_\_\_ AN ORDINANCE 1 AMENDING the Land Development Code, Article I, Zoning, Division V, Supplemental District Regulations, Section 5-1000, Subsection 5-1006, On-Site Storage, Subsection 5-2 1003.B and Section 2-1100, Definitions, concerning the placement, location and 3 registration of on-site storage trailers and storage containers within the City limits 4 of the City of Springfield; and amending Chapter 2, City Code, to adopt a 5 registration fee for processing on-site storage applications and fines for violation 6 of the on-site storage ordinance. 7 8 9 WHEREAS, an amendment to Article I, Zoning, concerning the placement, location and 10 registration of on-site storage trailers and storage containers within the City limits of the City of 11 Springfield was initiated by City Council on July 24, 2006; and 12 13 WHEREAS, following proper notice, a public hearing was held before the Planning and 14 15 Zoning Commission on <u>insert date</u>, and the said Commission has made its recommendation with respect to such an amendment which is contained within this bill; and 16 17 WHEREAS, proper notice was given of a public hearing before the City Council and that 18 19 said hearing was held in accordance with law. 20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF 21 SPRINGFIELD, MISSOURI, as follows, that: 22 23 24 Section 1 - The Land Development Code, Article I, Division II, Section 2-1100, Definitions, is hereby amended by repealing the existing definition for Storage Container and enacting in lieu thereof a new definition to be integrated into the code alphabetically, which shall 26 read as follows: 27 28 Storage Container: A container, including what is sometimes referred to as storage "pods" or "portable on demand storage units"; any box van that has been 30 disconnected from a chassis; and similar intermodal type shipping/cargo containers.

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32 33 34	that are (a) designed and commonly used for storing, shipping or transporting products and materials, and (b) are typically transported by a separate motorized vehicle or upon a trailer. A large container, which is capable of use for shipping
35 36 37	goods or materials by rail, ship, air or over the road, that is used on a premise for storage, with or without a transport vehicle or trailer.
38 39	NOTE: Language to be added appears <u>underscored</u> and language to be deleted is <del>stricken</del> .
40 41 42	Section 2 - The Land Development Code, Article I, Zoning, Division II, Section 2-1100, Definitions is hereby amended by adding the following new definitions for Storage Trailer and On-Site Storage, to be integrated into the code alphabetically, which shall read as follows:
43 44 45	Storage Trailer: Includes any dry freight van, semi-trailer, tractor trailer, refrigerated van, or similar type trailer, whether connected to a chassis or trailer or not.
46 47 48 49 50	On-site Storage: The use of Storage Containers or Storage Trailers for storage and/or warehousing purposes or any purpose or intent other than that for which the container or trailer was originally designed, that being for the shipping and transporting of products and materials.
51 52	NOTE: Language to be added appears underscored.
53 54 55 56	<u>Section 3</u> – The Land Development Code, Article I, Zoning, Division V, Section 5-1000, Accessory Structures and Uses, Subsection 5-1003.B, is hereby amended by adding paragraph 10 thereto which paragraph shall read as follows:
57 58	10. On-site storage shall be permitted if in compliance with Section 5-1006.
59 60	NOTE: Language to be added appears underscored.
61 62 63 64	Section 4 - The Land Development Code, Article I, Zoning, Division V, Section 5-1000, Subsection 5-1006, On-Site Storage is hereby repealed in its entirety and a new Section 5-1006 is hereby enacted which shall read as follows:
55 56 57	Section 5-1006 On-site Storage
68	5-1006.1 On-Site Storage; General Provisions
90 71 72 73	A. It shall be unlawful for any person to have on-site storage on any property except in compliance with this section.
74 75	B. It shall be unlawful for any person to place a storage container or storage trailer on any property except in compliance with this section.
76 77 78 79 80	C. Storage of an empty storage trailer or an empty storage container on any property is defined as outdoor storage and shall comply with the use limitations of the underlying zoning district, provided outdoor storage is permitted in the applicable zoning district.
81 82 83	D. The customary activity of motor freight terminals, distribution centers or similar uses of receiving, handling and transferring of merchandise utilizing trailers and

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containers is not considered outdoor or on-site storage. In the event that these principal uses place a storage trailer or storage container on the property for the purpose of either outdoor or on-site storage, they must comply with the provisions of this Article.

- E. Storage trailers and storage containers used as construction site offices, or for the storage of tools or building supplies needed for a construction project, or personal property of the owner or tenant of a building which is being remodeled, during the course of a project on a lot for which a valid building permit exists, are permitted without registration until the expiration of 30-days after a Certificate of Use and Occupancy has been issued by the City. The Director of Building Development Services may authorize the placement of a storage trailer or storage container used for a construction project on property other than the property where the construction project is located upon determining that the location is necessary and reasonable under the circumstances.
- F. The loading or unloading of a storage trailer or storage container in all nonresidential zoning districts is permitted provided the storage trailer or storage container is located in an off-street loading area that meets requirements of Subsection 6–1304 of this Article.

#### 5-1006.2 On-Site Storage, Permitted

- A. On-site storage is permitted in the GR, HC, RI, IC, HM, GM, and LI zoning districts, subject to the following restrictions, requirements and limitations.
  - 1. All on-site storage on property in the GR, HC, RI, IC, HM, GM, and LI zoning districts must be registered with the Department of Building Development Services as defined below.
    - a. An application for registration shall be completed and submitted to the Department of Building Development Services prior to the placement of any storage trailer or storage container to be used for recycling or on-site storage.
    - b. In the event the storage trailer or storage container remains on-site for more than 30-days, all required registration fees must be paid within 30-days of the original date of placement on the property.
    - <u>c.</u> The registration period shall be for a period of two (2) years from the date of approval of the registration.
    - <u>d.</u> The registration shall expire if not renewed prior to the expiration of the registration period.
    - e. The registration shall expire and be non-transferable at the time the ownership or tenant operating a business interest in the registration ceases to exist.

136 137		<u>f.</u>		pplication shall be on forms or in a format provided by the tment of Building Development Services and will, at a
138				um, require the information listed in this subsection to be
139			provid	
140				<del></del>
141			<u>1.</u>	The name, address and phone number of the
142				responsible agent for the property owner, who shall be a
143				natural person as opposed to a corporation, partnership,
144				firm, joint venture, trust, association, organization or
145				other entity. The responsible agent shall at all times
146				have ownership or management responsibilities with
147				respect to the business of the person requesting the
148				permit or the business of the person leasing the storage
149				trailer or storage container.
150				trailor or otorage container.
151			<u>2.</u>	The name, address, phone number and City of
152			<del></del>	Springfield business license number of the business
153				from which the storage trailer or storage container is
154				leased and the name, address and phone number of the
155				responsible agent for that business, who shall be a
156				natural person as opposed to a corporation, partnership,
157				firm, joint venture, trust, association, organization or
158				other entity.
159				<del>- Mar onary -</del>
160			<u>3.</u>	In the event the property owner has purchased the
161			<u></u>	storage trailer or storage container, this information
162				shall be so noted on the application.
163				The second secon
164			<u>4.</u>	The address of the property on which on-site storage is
165			<del></del>	to be located.
166				
167			<u>5.</u>	An acknowledgement of whether hazardous materials,
168				as defined by the adopted Building Codes, will be
169				stored. The type and maximum quantity of each
170				material to be stored at any given time shall be listed.
171				
172			<u>6.</u>	The number and gross square footage of all storage
173			_	trailers and storage containers to be placed on the
174				property.
175				
176			<u>7.</u>	The gross square footage of the building being served
177			_	by the on-site storage.
178				
179	•	2. The res	sponsib	ole agent shall sign a statement agreeing to provide
180				cess for City Building Inspectors and Fire Department
181				nspect the interior of all storage trailers and storage
182		contair		
183				
184	<u>B.</u>	The responsib	ole age	nt shall notify the Department of Building Development
185	_			nges in registration information provided with the
186				rty (30) days of the change.

- C. In GR, HC, RI, IC, and LI zoning districts, the total gross square footage of storage trailers and storage containers used for on-site storage and recycling shall be limited to no more than one-third (1/3) of the gross floor area of the building being served by the on-site storage, but in no case shall the number of storage trailers and storage containers exceed twenty (20) on any single property.
- D. Any property in a GM or HM zoning district is exempt from any limitation on the number of storage trailers and storage containers used for on-site storage and recycling, provided full compliance with all other location requirements and use limitations is achieved.

#### E. Location Requirements and Use Limitations:

- 1. It shall be unlawful to locate on-site storage on property in such a manner so as to occupy any required parking space, open space, sight triangle, circulation aisle, setback, easement, detention area, bufferyard, or perimeter landscaping as defined in this Article or in the Design Standards for Public Improvements for the City of Springfield.
- It shall be unlawful to locate on-site storage on property so as to be in conflict with the Fire Code of the City of Springfield or any other provisions of this Article.
- 3. It shall be unlawful to store hazardous materials in on-site storage trailers or containers unless in compliance with the Building Code of the City of Springfield. For the purposes of this subsection, each storage trailer or storage container is defined as being a single control area. This limitation is to be applied to each individual storage trailer or storage container being used for on-site storage.
- 4. Any on-site storage trailer or storage container used for the purpose of storing quantities of hazardous materials must be properly labeled on the exterior in accordance with National Fire Protection Agency (NFPA) guidelines indicating the level of health, flammability and reactivity of the materials contained therein or placarded with the appropriate United States Department of Transportation (US DOT) placard if the materials stored are regulated by the US DOT. If in the opinion of the Fire Chief or his representative the on-site storage of these materials pose a significant threat to the health, welfare and safety of any person, he may order the immediate removal or disposal of said materials, or both. Every storage trailer and storage container shall be clearly marked so that it is clear to all emergency response personnel what hazard(s) may exist.
- 5. It shall be unlawful to use on-site storage for the storage, production or manufacture of any controlled substance.
- 6. It shall be unlawful to have any utility services provided to a storage trailer or storage container unless it has been converted into a

239 240		building and meets all provisions of this Article and all applicable Building Codes.
241		
242	<u>7.</u>	It shall be unlawful to physically connect, in any manner, any storage
243	_	trailer or storage container to any structure or building or another
244		storage trailer or storage container.
245		orage hand of storage container.
246	<u>8.</u>	It shall be unlawful to stack merchandise, pallets, furniture, tires,
240 247	<u>u.</u>	equipment, fixtures, products, trash, debris, or other materials under,
248		around or on top of any storage trailer and storage container.
248 249		around or on top or any storage trailer and storage container.
250	0	It shall be unlawful to negatively impact adjoining properties to the site.
	<u>9.</u>	it strain be utiliawful to negatively impact aujoining properties to the site.
251	10	It shall be unlouded for any standard trailing or standard containing to
252	<u>10.</u>	It shall be unlawful for any storage trailer or storage container to be
253		stacked on top of another storage trailer or storage container, or on
254		top of any building.
255		
256	<u>11.</u>	It shall be unlawful to use, maintain, or place a storage trailer or
257		storage container in a manner so as to constitute a public nuisance
258		under any provision of the City Code.
259		
260	<u>12.</u>	It shall be unlawful to have direct sales of any product or service from
261		a storage trailer or storage container.
262		
263	<u>13.</u>	It shall be unlawful to operate a business from a storage trailer or
264		storage container.
265		
266	<u>14.</u>	It shall be unlawful to permit the general public to enter any storage
267	<del></del>	trailer or storage container.
268		
269	<u>15.</u>	It shall be unlawful to place signs on any storage trailer or storage
270		container unless in compliance with Section 5-1400 of this Article and
271		as provided in this subsection.
272		
273	<u>16.</u>	Signage advertising the company leasing or providing the storage
274	<del></del>	trailer or storage container is permitted on the storage trailer or
275		storage container provided said signage does not exceed a total
276		effective area of one (1) square foot on any single surface/side of the
277		storage trailer or storage container.
278		otorago tranor or otorago contantor.
279	<u>17.</u>	In the GR and HC zoning districts, it shall be unlawful to locate on-site
280	<u> 17.</u>	storage in any location other than in that portion of the rear yard
281		directly behind the building being served by the on-site storage, i.e.
282		between the rear building line of the building and the rear lot line, and
283		limited on each side by the extension of the side building lines to the
284		rear lot line, but in no case shall they be located within any required
285		rear yard setback requirement of the zoning district. In addition, on-
286		site storage must be located at least 50-feet from any public rights-of-
287		ways, and
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- a. For the purposes of this subsection only, when the property in question is a corner lot or a reversed corner lot, the rear yard shall be defined as that portion of the lot to the rear of the main entrance to the building being served by the on-site storage, and
- b. For the purposes of this subsection only, when the property in question is a through lot, the rear yard shall be defined as that portion of the lot to the rear of the main entrance to the building being served by the on-site storage.
- c. Only in the event that no on-site storage can legally be located in the area previously defined in this subsection, may the Director of Building Development Services permit an alternative location for placement of on-site storage, that being in that portion of a side yard located behind the front building line of the building being served by the on-site storage, provided the on-site storage is located a minimum of one hundred and fifty feet (150'), measured radially from the closest point of any primary structure located on an adjacent property that can be visually observed from any portion of the on-site storage and shall be placed in such a manner as to be behind the front or side building lines of all adjacent buildings. In addition, on-site storage must be located at least 125-feet from any street.
- In the RI, IC, HM, GM, and LI zoning districts, it shall be unlawful to locate on-site storage in any location other than in the side yards or rear yard, provided such on-site storage is screened from public streets, designated arterials or greater street classifications, and screened in accordance with one of the screening standards of Subsection 6-1003 of this Article from other adjacent property, unless the adjacent property is a RI, IC, HM, GM, or LI zoning district. All other applicable requirements of Section 6-1000 shall be satisfied. In addition, on-site storage must be located at least 100-feet from any residential zoning district.
- 19. It is unlawful to place on-site storage on vacant property in a GM or HM zoning district unless all of the following conditions are met:
  - a. The on-site storage is on a property, or multiple contiguous properties, that are immediately adjacent to the property where the building and use being served by the on-site storage is located; and
  - b. The on-site storage specifically, and only, serves the building and use on the adjacent property; and
  - The property upon which the on-site storage is placed must be owned by the same person who owns the building being served; and

343		a.	The grander was a chief the court to the standard by
344		<u>d.</u>	The property upon which the on-site storage is placed must be
345			vacant of buildings; and
346			T
347		<u>e.</u>	The placement of the on-site storage is at least 50-feet from
348			any street; and
349		•	T
350		<u>f.</u>	The property must have access for all emergency vehicles in
351			accordance with the requirements of the Fire Code; and
352			· 
353		<u>g.</u>	The property must be served by fire hydrants as may be
354			required by the adopted Fire Code, and
355			
356		<u>h.</u>	The placement of on-site storage on the property does not
357			create, or result in the creation of, a nuisance; and
358			
359		<u>i.</u>	The on-site storage shall be screened from all adjacent
360			residential zoning districts in accordance with one of the
361			screening standards of Subsection 6-1003 of this Article; and
362			
363		Ŀ	All other applicable requirements of Section 6-1000 shall be
364			satisfied.
365			
366			/ Delivery. It shall be unlawful to have On-site storage for the
367			delivery unless it is in compliance with the following
368	restric	<u>tions, requiren</u>	nents and limitations.
369			
370	<u>A.</u>		must be registered with the Department of Building
371			Services prior to placement of any storage trailer or storage
372		<u>container.</u>	
373			
374	<u>B.</u>	The property	must be located in a non-residential zoning district.
375			•
376	<u>C.</u>		I storage trailers and storage containers is limited to storing
377			business that is first establishing its presence on a property,
378			storage trailer or storage container is removed from the
379		property withi	n 24-hours of being emptied of the businesses inventory.
380			
381	<u>D.</u>		ailers and storage containers must be removed from the
382		property withi	n thirty (30) days after placement.
383			
384	<u>E.</u>	Each storage	trailer or storage container must be located on the property in
385		such a manne	er so as to not occupy setback, open space, detention facilities,
386		easements, s	ight triangles, bufferyard or perimeter landscaping areas as
387		defined in this	s Article and in the Design Standards for Public Improvements
388		for the City of	Springfield.
389			
390	<u>F.</u>	No storage tra	ailer or storage container may be stacked one on top of another
391	_		r or storage container or on top of any building.

G.	Each storage trailer or storage container must be located so as to not be in
	conflict with the Fire Code or any provision of this Article.
Н.	It shall be unlawful to have any utility services provided to a storage trailer or
_	storage container unless it has been converted into a building and meets all
	provisions of this Article and all applicable Building Codes.
l.	It shall be unlawful to have direct sales of any product or service from a
_	storage trailer or storage container.
J.	It shall be unlawful to place signs on any storage trailer or storage container
_	unless in compliance with Section 5-1400 of this Article and as provided in
	this subsection.
K.	Signage advertising the company leasing or providing the storage trailer or
	storage container is permitted on the storage trailer or storage container.
<u>L.</u>	It shall be unlawful to store hazardous materials in the storage trailer or
	storage container placed on the property unless said materials are inventory
	being delivered to the business.
<u>5-1006.4</u>	Residential Districts. It shall be unlawful to have On-site storage in all
<u>residentia</u>	al zoning districts, unless in compliance with the following restrictions,
<u>requireme</u>	ents and limitations of this subsection.
<u>A.</u>	The storage trailer or storage container must be registered with the Department
	of Building Development Services prior to placement.
_	
<u>B.</u>	All on-site storage shall be removed prior to the expiration of thirty (30)
	consecutive days after placement on the property.
_	
<u>C.</u>	The on-site storage must be located in a legal parking space on the property.
٠	
<u>D.</u>	The on-site storage shall not be located within fifteen feet (15') of the edge of
	pavement or back of curb of any street; and
_	
<u>E.</u>	The on-site storage shall not be located in any sight triangle of intersecting
	riante-at-wave as actinga in this article
	rights-of-ways as defined in this Article.
_	
<u>F.</u>	Only one storage trailer or storage container may be located on a property at
<u>F.</u>	
	Only one storage trailer or storage container may be located on a property at any given time.
<u>F.</u> <u>G.</u>	Only one storage trailer or storage container may be located on a property at any given time.  On-site storage shall not be used in conjunction with or associated with a
	Only one storage trailer or storage container may be located on a property at any given time.
<u>G.</u>	Only one storage trailer or storage container may be located on a property at any given time.  On-site storage shall not be used in conjunction with or associated with a home occupation.
	Only one storage trailer or storage container may be located on a property at any given time.  On-site storage shall not be used in conjunction with or associated with a home occupation.  No property shall be permitted to register on-site storage more than twice in
<u>G.</u>	Only one storage trailer or storage container may be located on a property at any given time.  On-site storage shall not be used in conjunction with or associated with a home occupation.
	residentia

443 <u>l.</u> 444 445	It shall be unlawful to place signs on any storage trailer or storage container unless in compliance with Section 5-1400 of this Article and as provided in this subsection.
446 447 <u>J.</u> 448 449	Signage advertising the company leasing or providing the storage trailer or storage container is permitted on the storage trailer or storage container.
450 <u>K.</u> 451 452	It shall be unlawful to have any utility services provided to a storage trailer or storage container unless it has been converted into a building and meets all provisions of this Article and all applicable Building Codes.
453 454 <u>L.</u> 455 456	It shall be unlawful to store hazardous materials in the storage trailer or storage container placed on the property.
457 <b>5-1006.5</b> 458 <b>use On-si</b>	Construction Projects Without A Building Permit. It shall be unlawful to te storage in conjunction with construction projects without a building permit compliance with the following restrictions, requirements and limitations.
462 <u>A.</u> 463 464	The storage trailer or storage container must be registered with the Department of Building Development Services prior to placement.
465 <u>B.</u> 466 467 468	The use of on-site storage is limited to the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of the building on the property that is being remodeled.
469 <u>C.</u> 470	The construction project does not require a building permit.
471 <u>D.</u> 472 473	All on-site storage must be located on the property where the work is being performed.
474 <u>E.</u> 475 476 477 478 479 480 481	The on-site storage in conjunction with construction projects without a building permit in non-residential zoning districts must be located on the property in such a manner so as to not occupy open space, sight triangles, easements, detention facilities, bufferyard or perimeter landscaping areas as defined in this Article and in the Design Standards for Public Improvements for the City of Springfield. If located in residential zoning districts, the location shall be as stipulated in Subsection 5-1006.4.
482 <u>F.</u> 483 484	No storage trailer or storage container may be stacked one on top of another storage trailer or storage container or on top of any building.
485 <u>G.</u> 486 487	It shall be unlawful to have any utility services provided to a storage trailer or storage container unless it has been converted into a building and meets all provisions of this Article and all applicable Building Codes.
488 489 <u>H.</u> 490 491 492	It shall be unlawful to place signs on any storage trailer or storage container unless in compliance with Section 5-1400 of this Article and as provided in this subsection.

193 494 495 496	<u>l.</u>	Signage advertising the company leasing or providing the recycling, storage trailer or storage container is permitted on the storage trailer or storage container.
497 498 499	<u>J.</u>	All on-site storage must be removed from the property prior to the expiration of thirty (30) consecutive days after placement on the property.
500 501 502	<u>K.</u>	No property may be used for on-site storage more than twice in any given 12-month period and any two registration periods must be separated by a minimum of 60-days.
503 504 505 506	<u>L.</u>	It shall be unlawful to store hazardous materials in the storage trailer or storage container placed on the property.
507 508 509 510 511	containers	Recycling Containers. It shall be unlawful to use storage trailers and storage is as recycling containers in all non-residential zoning districts, except the GR, HC, M, GM, and LI zoning districts, unless in compliance with the following in the sequirements and limitations of this subsection.
512 513 514	<u>A.</u>	The storage trailer or storage container must be registered with the Department of Building Development Services prior to placement.
515 516 517	<u>B.</u>	The use of the storage trailer and storage containers is limited exclusively to recycling tires, paper, cardboard and carpet.
518 519 520 521 522	<u>C.</u>	The storage trailers and storage containers are identified with the words "Recycling Container" affixed or painted on any surface/side that is visible from a street or adjacent property, and such identification shall not exceed an effective area of four (4) square feet per surface/side.
523 524 525 526 527	<u>D.</u>	All on-site storage must be located on the property in such a manner so as to not occupy setback, open space, sight triangle, easement, detention facilities, bufferyard or perimeter landscaping areas as defined in this Article and in the Design Standards for Public Improvements for the City of Springfield.
528 529 530 531 532	<u>E.</u>	The total gross square footage of storage trailers and storage containers used for recycling shall be limited to no more than one-third (1/3) of the gross floor area of the building being served, but in no case shall the number of storage trailers and storage containers used for recycling exceed (3) on any single property.
533 534 535	<u>F.</u>	No storage trailer or storage container may be stacked one on top of another storage trailer or storage container or on top of any building.
536 537 538	<u>G.</u>	Each storage trailer or storage container must be located on the property in a location that is in compliance with the Fire Code and this Article.
538 539 540 541	<u>H.</u>	No storage trailer or storage container may be located in the front yard. All storage trailers and storage containers must be a minimum of twenty-five (25) feet from any street and a minimum of fifty (50) feet from any residential district.

543	<u>l.</u>			awful to have any utility services provided to a storage trailer or
544				iner unless it has been converted into a building and meets all
545		provisi	ons of	this Article and all applicable Building Codes.
546				
547	<u> </u>			ailer or storage container shall not be used for any purpose other
548		than th	at of re	cycling as specified in this subsection.
549				
550	<u>K.</u>			rtising on-site or off-site business activities may be placed on the
551		storage	e trailers	s or storage containers, except as permitted in this subsection.
552				
553	<u>L.</u>	Signag	<u>le advei</u>	rtising the company leasing or providing the recycling, storage
554		trailer o	or stora	ge container is permitted provided said signage does not exceed a
555		total ef	fective a	area of one (1) square foot on any single surface/side of the
556		storage	e trailer	or storage container.
557				-
558	5-1006	6.7 Re	gistrat	ion
559				<del></del>
560	<u>A.</u>	The ar	oplicatio	on for registration for those uses identified in subsections 5-1006.3
561	<u> </u>			15-1006.5 shall be subject to the restrictions, limitations and
562				of this subsection.
		require	211101110	or trito dubocotion.
§64		1	An ann	plication for registration shall be completed prior to the placement of
565		<u>1.</u>		orage trailer or storage container for on-site storage.
566			arry Sic	orage traffer of Storage Container for oir-Site Storage.
567		2	The re-	ristration pariod shall be for a pariod of thirty (20) days from the data
568		<u>2.</u>		gistration period shall be for a period of thirty (30) days from the date
569			of plac	ement on the property.
570			<del></del>	The Control of the Co
571		<u>3.</u>		plication shall be on forms, or in a format, provided by the
572				ment of Building Development Services and, at a minimum, shall
573			require	the following information be provided.
574				
575			<u>a.</u>	The name, address and phone number of the responsible agent for
576				the property owner, who shall be a natural person as opposed to a
577				corporation, partnership, firm, joint venture, trust, association,
578				organization or other entity. The responsible agent shall at all times
579				have ownership or management responsibilities with respect to the
580				property on which the storage trailer or storage container is placed
581				or used.
582				
583			<u>b.</u>	The name, address, phone number and City of Springfield
584				business license number of the business from which the storage
585				trailer or storage container is leased and the name, address and
586				phone number of the responsible agent for that business, who
587				shall be a natural person as opposed to a corporation,
588				partnership, firm, joint venture, trust, association, organization or
589				other entity.
				other order.
590			_	The address of the property on which on-site storage is to be
591			<u>C.</u>	
592				located.
593				

594 595			<u>d.</u>	The date the storage trailer or container is to be placed on the property.
596	_	<b>-</b> .		
597	<u>B.</u>			on for registration for those uses identified in subsection 5-1006.6
598		<u>snaii c</u>	consist	<u>or:</u>
599		1	An on:	plication for registration shall be completed and all fees paid prior
500 501		<u>1.</u>		plication for registration shall be completed and all fees paid prior placement of any storage trailer or storage container for the
502				se of providing a container for recycling tires, paper, cardboard or
503			carpet	
503 504			<u>oai pot</u>	i, una
505		<u>2.</u>	The re	egistration period shall be for a period of two (2) years from the
506		<u></u>		of placement of the container on the property; and
507				
508		<u>3.</u>	The re	egistration must be renewed prior to the second anniversary of
509		_		gistration; and
610			<u></u>	<del></del>
511		<u>4.</u>	The a	pplication shall be on forms or in a format provided by the
512			Depar	tment and, at a minimum, shall require the following information
513			be pro	<u>ovided.</u>
614				·
615			<u>a.</u>	The name, address and phone number of the responsible agent
616				for the property owner, who shall be a natural person as
617				opposed to a corporation, partnership, firm, joint venture, trust,
618				association, organization or other entity. The responsible agent
619				shall at all times have ownership or management responsibilities
620				with respect to the property on which the storage trailer or
621				storage container is placed or used.
622			L	The name address whom number and City of Cosinatiold
623			<u>b.</u>	The name, address, phone number and City of Springfield
624				business license number of the business from which the recycling container is leased and the name, address and phone
625 626				number of the responsible agent for that business, who shall be
627				a natural person as opposed to a corporation, partnership, firm,
628				joint venture, trust, association, organization or other entity.
629				Joint Venture, trast, association, organization or enter entry.
630			<u>C.</u>	The address of the property on which on-site storage is be
631			<u> </u>	located.
632				AND
633			<u>d.</u>	The date the storage trailer or container is to be placed on the
634				property.

636 <u>5-1006.8 Administration and Enforcement.</u>

- A. It shall be unlawful to use property for on-site storage except as permitted by this Article.
- B. It shall be unlawful to place or use a storage trailer or storage container in any manner that is in conflict with the provisions of this Article.
- C. On-site storage that exists at the time of passage of this ordinance must register within sixty (60) calendar days of the date of the passage of this ordinance and must be in compliance with the ordinance within thirty (30) calendar days following registration.
- D. It shall be unlawful to fail to register on-site storage in accordance with the provisions of this Section.
- E. A violation of any of the provisions of this Section is hereby defined to be a public nuisance.
- F. It shall be unlawful to submit false, untrue, or misleading information as part of the application process, and if found to be so, shall result in the immediate termination of the application/registration and the denial of any future on-site storage on the property for which the application was submitted.
- G. The administration and enforcement of this Section shall be in accordance with Division III, Administration, Enforcement and Review, of this Article.
- H. All official notices of the City for violation of the on-site storage provisions of this Article may be served upon the responsible agent(s). The person designating the responsible agent shall agree that any notice to the responsible agent shall constitute notice to the person designating the responsible agent.
- I. The City Council hereby determines that the "economic value" of a continuing violation of Section 5-1006 under Section 3-1504 of this Article is not less than \$50.00 per day per storage trailer or storage container in violation of this Section.
- J. Notwithstanding the above, citations issued for violations of the Fire Code caused by the presence or placement of storage trailers or storage containers may carry a different or higher penalty.
- K. Each day that a storage trailer or storage container is in violation of this Section is a new and separate violation.
- L. In addition to any other fine or penalty that may be assessed as defined above, a violation of the provisions of this Section dealing with hazardous materials or controlled substances shall result in the immediate revocation of the registration and the denial of any future registration for the responsible agents identified as responsible for the violation and the property upon which the violation occurred will be unable to be registered for placement of on-site storage for a period of not less than 90-days and not more than 365-days. In addition, all on-site storage

trailers and/or containers currently located on the property shall be removed 687 within 24-hours of a finding that the allegation of this violation is true. 588 689 The Director shall have authority to obtain a search warrant based on probable 690 М. cause pursuant to the procedures set forth in Chapter 74, Subsection 74-33 of the 691 City Code, should a city inspector be denied the right to inspect the interior of any 692 storage trailer or storage container. 693 694 The provider of any storage trailer or storage container must annually disclose the 695 <u>N.</u> name, address and phone number of the responsible agent for said provider who 696 shall be a natural person as opposed to a corporation, partnership, firm, joint 697 venture, trust, association, organization or other entity. It is the responsibility of 698 699 the responsible agent of the provider to notify the Department of Building Development Services within 30-days of any changes to the information required 700 to be disclosed. 701 702 Presumption. The following legal presumptions are hereby established by 703 operation of this ordinance: When a violation is alleged relating to Section 5-704 1006, a party named pursuant to provisions of this Section as a responsible 705 agent, when one is so named, is presumed to be a person who committed the 706 alleged violation. When a violation is alleged relating to Section 5-1006 whether 707 or not a person has been identified as a responsible agent pursuant to provisions 708 of this Section, the person who owns, occupies, controls, is a tenant of, or 709 conducts business on the property where the violation is alleged to have occurred 710 shall be presumed to be a person who committed the alleged violation. The 711 operation of this Section shall not be construed to prohibit a finding that multiple 712 713 parties jointly committed a single violation of the provisions of this Section. One or all of the foregoing presumptions may be defeated upon the showing of 714 significant proof by the accused. 715 716 717 NOTE: Language to be added appears underscored. 718 719 720 Section 5 – Chapter 2 of the Springfield City Code is hereby amended to add a new subsection \_\_\_\_\_\_ to establish fees for certain services provided under this ordinance. 721 said subsection to read as follows: 722 723 Two hundred dollars (\$200.00) for issuance of a site registration application 724 required under the provisions of Chapter 36. Land Development Code. Article 725 I, Zoning, Sections 5-1006.2 and 5-1006.6, et seq., On-Site Storage. 726 727 NOTE: Language to be added appears underscored. 728 729 Section 6 - Chapter 2 of the Springfield City Code is hereby amended to add a new 730 subsection \_\_\_\_\_ to establish fines for violation of this ordinance, said subsection to 731

not be less than \$50.00 per day per storage trailer or storage container.

NOTE: Language to be added appears underscored.

The minimum fine for violation of the provisions of Chapter 36, Land

Development Code, Article I, Zoning, Section 5-1006, On-Site Storage, shall

read as follows:

732 733

734

735

<sup>7</sup>36 /37

739	
740	Section 7 - Savings Clause. Nothing in this ordinance shall be construed to affect any
741	suit or proceeding now pending in any court or any rights acquired or liability incurred nor any
742	cause or causes of action occurred or existing, under any act or ordinance repealed hereby.
743	Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.
744	
745	Section 8 - Severability Clause. If any section, subsection, sentence, clause or phrase
746	of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of
747	the remaining portions of this ordinance. The Council hereby declares that it would have
748	adopted the ordinance and each section, subsection, sentence, clause or phrase thereof,
749	irrespective of the fact that any one or more sections, subsections, sentences, clauses, or
750	phrases be declared invalid.
751	
752	Section 9 - This ordinance shall be in full force and effect thirty (30) days from and
753	after passage.
754	
755	Passed at meeting:
756	•
757	
758	
759	Mayor
760	Attest:
761	
762	
763	Filed as Ordinance:
764	
765	A
766	Approved as to Form:, City Attorney
767	
768	A 15 Oc
769	Approved for Council Action:, City Manager
770	

## The following bills appeared on the agenda under Public Hearing.

Council Bill 2007-254 was considered at this time.

#### **On-Site Storage**

Sponsors: Collette, Chiles, Rushefsky, and Wylie. Council Bill 2007-254. A general ordinance amending Division I of the Springfield Land Development Code pertaining to On-Site Storage in Trailers and Storage Containers. (Community Involvement Committee and Planning and Zoning Commission recommend approval.)

Evelyn Honea, Deputy City Manager, discussed the history and noted that there were changes to the proposed ordinance due to the recommendation of the Planning and Zoning Commission. Ms. Honea explained that staff had met with retail and general manufacturing businesses to listen to their concerns. As a result, the ordinance had undergone numerous revisions since the original draft submitted to the Community Involvement Committee in May.

Ralph Rognstad provided an explanation of the ordinance and a summarization of what would be allowed on a temporary and a permanent basis. Mr. Rognstad explained that storage containers were currently allowed only in the General Retail. Highway Commercial, and Industrial/Commercial Districts on a temporary basis (45 days) and on a permanent basis provided a permit was obtained. Mr. Rognstad provided a visual demonstration that indicated what would be allowed on a temporary placement and on a permanent placement with the proposed ordinance. Mr. Rognstad stated that temporary placement involved Commercial, General Retail. Highway Commercial, Industrial/Restricted Industrial, Industrial Commercial, Heavy Manufacturing/General Manufacturing and Light Industrial Districts. The permanent basis involved only the Heavy Manufacturing, General Manufacturing and Light Industrial Districts. Mr. Rognstad explained that both, the temporary and permanent placement, would have a limit of one unit per 10,000 square feet of permanent floor area. Mr. Rognstad stated that a permit would be required for temporary and permanent placement; however, no site plan would be required for temporary placement. The time limit on a temporary placement would be limited to a maximum of 60 days per year, which could consist of a permit for a 60-day period, two 30-day periods, or three 20-day periods; however, separate permits would be required for each period. Mr. Rognstad explained that the fee for temporary placement would be \$95, and \$145 for permanent placement, which would be renewed every year. The fee would provide for inspections and is the minimum fee that is normally charged. Mr. Rognstad stated that the penalty would be the same for storage container violations with a fine of \$300 day. A \$500 fee would be required when reapplying for an application for failure to obtain a permit. Mr. Rognstad explained that the ordinance addressed the continuation of existing trailers that have had a permit issued which would allow them to continue for 10 years. If no permit had been obtained, the storage containers would be allowed to remain two years. Mr. Rognstad added that this would apply to properties that could not conform to the ordinance; however, if a property could conform to the ordinance, the normal permit could be obtained. Mr.

Rognstad explained that there were a number of exemptions including inventory for a new business, which would have a time limit of 14 days. In addition, Mr. Rognstad stated that there would be no time limit for construction projects that have obtained a building permit. Residential areas that are utilizing pods for loading and unloading for moving would be allowed 30 days and unloading and loading in all Districts, except residential Districts, would have a three day limit. Mr. Rognstad noted that motor freight and distribution centers would have no time limit. Mr. Rognstad explained that companies who are renting trailers would be required to have a responsible agent and each business renting a trailer must also have a responsible agent. Mr. Rognstad noted that this was not unusual, as the same was required for obtaining apartment licenses.

Doug Burlison requested staff to address the original concerns that resulted in the formation of the proposed. Ralph Rognstad responded that there was an increase in the number of units in which the placement was not in conformance with the existing ordinance, as they had not obtained a permit. In addition, Mr. Rognstad explained, units were being placed in circulation lanes and next to buildings, were being stacked, and not being screened.

Gary Deaver questioned if screening would be required on the temporary or permanent units. Ralph Rognstad responded that it depended upon the placement of the unit, stating that screening was not required if the units were behind the building, or were at least 100 feet back and involved nine or fewer trailers. Gary Deaver requested clarification that this requirement involved permanent placement. Mr. Rognstad explained that having 10 or more units required that their placement be at least 300-feet from the right-of-way or screening would be required. Mr. Deaver requested clarification that the intention of the City was to have the permitting process be electronic. Mr. Rognstad affirmed.

Cindy Rushefsky questioned the extent trailers, exclusive of the current ordinance, were covered by the Fire Code and existing zoning restrictions. Ralph Rognstad responded that there were requirements in the existing zoning ordinance that indicated a trailer could not be parked in a required parking space or buffer yard. In addition, the units could not be placed in a fire lane or block a fire connection. Ms. Rushefsky questioned what the proposed would accomplish that could not be accomplished through the existing ordinances that were not specifically directed to trailers and storage containers. Mr. Rognstad responded that the main accomplishment would be in limiting the number of trailers and in providing a better mechanism for tracking and addressing the ones in fire lanes. Ms. Rushefsky questioned if a requirement for registration of an agent for any company that had trailers would accomplish the same purpose. Mr. Rognstad responded that this would allow some accountability.

Denny Whayne remarked that he had received several calls regarding the issue and questioned why problems in areas were not addressed and why citizens were not educated on the issue. Ralph Rognstad responded that there were concerns with enforceability and determining who should be addressed. Mr. Rognstad added that the current ordinance did not allow storage trailers to be placed in industrial areas, and staff was attempting to expand it to allow the storage trailers in industrial areas and to address other problems with the existing ordinance. Mr. Whayne noted the importance of making it easier for entities to conduct business. Mr. Whayne remarked that there might also be a need to address the aesthetics of the trailers.

Dan Chiles questioned if staff had calculated the number of trailers in Springfield. Ralph Rognstad responded that no calculation had been conducted; however, stated a survey had been conducted with little or no response. Mr. Rognstad noted that there could be approximately 2,000. Mr. Chiles questioned if an economic impact study had been conducted. Ralph Rognstad responded that no study had been conducted. Mr. Chiles questioned if there were any concerns with the impact on the

economy by limiting containers. Mr. Rognstad responded that the City does not want to have a severe impact on the economy; however, the City was trying to reach a balance, noting health and safety concerns. Mr. Chiles questioned if a study had been conducted on possible increases in traffic congestion as the result of having to use warehousing. Mr. Rognstad responded that discussions regarding traffic had occurred and there was no definitive answer whether there would be an increase, as merchandise would be brought in on the streets anyway. Mr. Chiles questioned if any responses had been received from any business organizations such as SAMA or the Chamber of Commerce. Mr. Rognstad stated that staff had met with SAMA and staff had attempted to address their concerns, and stated that the Development Input Issues Group (DIIG) had not presented any comments regarding the issues. Mr. Chiles questioned if there had been any reports regarding health issues involving trailers. Mr. Rognstad responded that he was not aware of any significant issues: however, there was enough evidence of a safety concern. Mr. Chiles questioned if the proposed would be a distraction from Mr. Rognstad's other responsibilities for enforcement, and if there was enough in the fee schedule to provide for enforcement. Mr. Rognstad responded that his department did not address enforcement. Mr. Chiles questioned if the proposed were approved and businesses had to make quick decisions to construct a building to store their merchandise, would there be any concessions by the City for an emergency building program. Mr. Rognstad responded that this issue had not been addressed; however, explained that business would have two years to use the trailers if they had not previously obtained a permit. Mr. Rognstad added that they would be required to comply with the fire and safety requirements.

Ralph Manley remarked on complaints received regarding storage containers, and noted that some may contain dangerous materials. Mr. Manley stated it was Council intent to protect citizens; however, noted the need to review and discuss concerns by businesses.

Mary Collette remarked on the Committee's review of the issue and the revisions that occurred as a result of discussions. Ms. Collette noted that other communities were also reviewing and attempting to address the issue. Ms. Collette stated that a number have completely banned the storage trailers; however, remarked that this had not been an option that the City has considered. Ms. Collette stated that the number of trailers was increasing and that regulating them was important and also noted the need to reach a balance.

John Wylie remarked that he had some reservations regarding the issue and stated that he had requested information regarding the economic environment. Mr. Wylie stated he had received information indicating a 10% reliance on storage trailers, which allows a business to have more space on a showroom floor. Mr. Wylie stated that individuals would have another opportunity to speak to the issue on Monday, August 20 in Council Chambers.

Fire Chief, Barry Rowell, provided a PowerPoint presentation that indicated the problems and concerns that were safety related.

John Wylie questioned if the storage trailers had signs indicating contents. Chief Rowell responded that many do no have any signs indicating the contents. Mr. Wylie questioned if the storage containers had obtained permits under the current ordinance. Chief Rowell responded that he believed only five had been permitted. As a result of the presentation, Mr. Wylie remarked on the necessity to seriously review the issue of safety. Chief Rowell related an incident that had occurred in 1988 where six firefighters lost their lives in an explosion at a trailer in Kansas City.

Cindy Rushefsky questioned if placing storage containers under the Fire Code and making specific provisions could address most of Chief Rowell's concerns regarding storage containers. Chief Rowell responded that the fire aspect could be addressed

in this manner; however, noted the need to have a process to track trailers and the need to be proactive. Ms. Rushefsky questioned if it would assist the problem to have a registration procedure for storage containers with a requirement that contents would be posted. Chief Rowell responded that these provisions would assist and would be covered under the Fire Code. Chief Rowell stated that there were amounts that could be applied; however, the structure was not covered under the Fire Code or Building Code; and the quantities of hazardous materials would be reviewed in order to make a judgment. Ms. Rushefsky questioned how the Fire Code provisions were enforced. Chief Rowell responded that these had not been being enforced since the administrative delay had been issued; however, staff had determined that the safety issues should be addressed immediately. Chief Rowell explained that staff must also consider whether requesting a move would cause a violation of the current ordinance. Ms. Rushefsky questioned if there would be enough staff to enforce the Fire Code. Chief Rowell responded that they could be addressed through the Fire Marshals and Fire Crews if there was a registration process in place. Chief Rowell explained that violations would be found during normal business inspections and added that 4,000 of the 13,000 businesses are inspected annually. Chief Rowell stated that it would be more time consuming; however, if staff is made aware of the location of the storage containers, they could be prioritized.

Dan Chiles questioned if there had been any fires associated with storage trailers. Chief Rowell responded that there have been "fire in truck" calls; however, could not indicate that there was any specific ones associated with storage trailers. Mr. Chiles questioned if any of the companies indicated in Chief Rowell's presentation had been requested to make any corrections. Chief Rowell responded that discussions were held with two individuals, in which staff had the opportunity to explain the City's concerns. Mr. Chiles questioned if Chief Rowell had observed any resistance to reasonable requests for fire safety. Chief Rowell responded that he had not received any resistance at this time. Mr. Chiles noted that gasoline and other volatile materials are stored at homes in storage buildings. Mr. Chiles requested confirmation that an argument could be made for businesses that it would be better to keep these materials outside a building where they would not be exposed to people. Chief Rowell responded that this would be a good argument and, if the materials were kept away from the main structure of a business or home, it would lend some safety. Chief Rowell stated the code addressed outdoor storage and the issue of storage containers would be addressed in this manner. Chief Rowell added that he believed that the issue would be eventually addressed through the International Code Council. Mr. Chiles requested confirmation of the importance of having an understanding of the Department of Natural Resources (DNR) and the Bureau of Mine Safety, as they had their own set of regulations regarding what could be stored in a container. Mr. Chiles also questioned if Chief Rowell foresaw an effort of coordination with these organizations that might request certain materials be stored in containers. Chief Rowell responded that the International Fire Code was based on the International Fire Protection Association standards and staff found that the building codes, fire codes, and health codes work together. Chief Rowell stated that the areas of DNR or mine safety typically deal with other areas and not structural issues. Mr. Chiles questioned if a study had been conducted or if Chief Rowell had any knowledge regarding the percentage of storage trailers were in violation of health and safety codes. Chief Rowell responded that he could not provide that information at this time.

A public hearing was announced on Council Bill 2007-253.

The following citizens spoke in opposition citing concerns with the impact the ordinance would have on businesses.

Russell Hartcock, 1121 E. Lakewood, Springfield, MO, spoke in opposition.

Mark Reppond, Safety Clean, 734 North West Bypass, Springfield, MO, spoke in opposition, remarking that his employer's business involved hazardous materials that

were stored in storage containers in compliance with several organizations' requirements.

Cindy Rushefsky questioned if regulations required Hazmat signage on the structures. Mr. Reppond affirmed and noted that some of the materials stored were in "transportation" mode.

Gary Deaver invited Mr. Reppond to attend the meeting to be held on August 20, 2007, noting that Mr. Reppond's expertise would be helpful.

John Wylie requested clarification that Mr. Reppond business was a depot and had interstate commerce. Mr. Reppond affirmed and explained that they picked up small quantities of hazardous materials or waste and returned them to their facility for temporary storage until they could be transported to recycling centers or properly permitted treatment and disposal facilities.

Bruce McCurry, 5160 Aleshire Court, Springfield, MO; Dick McNeal, 1308 West Chase Street, Springfield, MO; Brenda Teeslink, 3398 East Farm Road 83, Springfield, MO; Alyssa Teeslink, 3398 East Farm Road 83, Springfield, MO; Joe Sutton, 2000 S. Meadowview, Springfield, MO; John Bucher, 3354 S. Robberson, Springfield, MO; Skip Tinney, 1360 E. Briar Road, Springfield, MO; Tom Conroy, 1360 East Briar Road, Springfield, MO; Rob Rector, 2825 South Glenstone, Springfield, MO; and Rob Rector, 2825 South Glenstone, Springfield, MO, all spoke in opposition.

John Wylie remarked that one question that had been raised was how to determine if storage containers have an economic impact on the community, and stated that he had learned that there would be approximately a 10% impact. Mr. Wylie requested clarification that the storage containers allowed more open floor space in a business. Mr. Rector affirmed and commented on retail space.

Dan Chiles corrected a remark by Mr. Rector regarding a report by the *News-Leader* regarding a \$29 billion amount related to a zip code, which was later change to \$290 million.

Patrick Platter, 1949 East Sunshine, Springfield, MO; Marcia Kellotat, 5738 North Charlotte Avenue, Willard, MO; and Dwayne Holden, 2332 East Division, Springfield, MO, all spoke in opposition.

With no further appearances, the public hearing was closed.

Mayor Carlson commented on the concerns that were presented, and noted that Council wanted to address the concerns in a balanced and fair fashion. Mayor Carlson remarked on the importance of life/safety issues. Mayor Carlson explained that the Community Involvement Committee had been reviewing the issue, with Mary Collette as the Chair, and members Dan Chiles, Cindy Rushefsky, John Wylie. Mayor Carlson stated the issue would be continued for further discussion the following Monday. Mayor Carlson remarked that, in keeping with Council's policy, Council attempts to gain all the input possible from all of the stakeholders involved.

Ralph Manley moved to table Council Bill 2007-254 for further study and referral back to the Community Involvement Committee. John Wylie seconded and the motion was approved.

Mayor Carlson called for a short break at approximately 9:03 p.m.

Mayor Carlson reconvened the meeting at approximately 9:12 p.m.

Council Bill 2007-248, 2007-249, and Council Bill 2007-250 were read consecutively

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7	Collette, Chiles		
8	Sponsored by: Rushefsky, & Wylie		
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10	First Reading:	Second Reading:	
11 12	COUNCIL BILL NO. 2007 - 254	GENERAL ORDINANCE NO	
13 14	AN ORDINA	ANCE	
15	·		
16	AMENDING Division I of the Springfield Land		
17		ge Containers. (Community Involve	
18	Committee and Planning and Zonir	ng Commission recommend approve	al).
19	•		
20	DE LE ORDAINED DY THE COUNCIL OF THE O	ITY OF ODDINGERS D. MICCOUDS	
21	BE IT ORDAINED BY THE COUNCIL OF THE CI	ITY OF SPRINGFIELD, MISSOURI,	as
22	follows:		
23	Section 1 - That Division I of the Spring	field Land Development Code	
٦ <b>4</b> ز	Section 2-1100, Definitions, is hereby amended b		
16	Container, adding a new definition for Storage Co		which
26 27	definitions shall read as follows:	ortainer and a demittion for Trailer, v	ALLICIT
28	definitions shall read as follows.		
29	"Storage Container: A container which	is canable of use for shinning go	nds or
30	materials by rail, air or over the road tha		
31	or without a transport vehicle or trailer.		o, <b>w</b>
32	or without a transport vernote or transfer.		
33	"Trailer: A container permanently moun	ited on wheels that was or may be	hazu e
34	for storage, regardless of whether of no		
35	moving materials on the road regardles		
36	device for pulling same is present on th		
37	device for pulling same is present on th	io lot where the trailer is located.	
38	Section 2 - That Division V of the Land D	evelopment Code, Subsection 5-1	1003 B
39	is hereby amended by adding paragraph 9 there		000.5
40	follows:	oto milan paragraph onan toda ad	
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42	"9. Trailers or storage containers on ar	ny property within the city shall or	nlv be
43	allowed in accordance with by Subsecti		,
44	Allotton in model antito trait of outlood	· · · · · · · · · · · · · · · · · · ·	
45			
46	Section 3 - That Division V of the Land D	Development Code, Subsection 5-1	006 is
17	hereby repealed in its entirety and a new Subse		
Ì	shall read as follows:	in the second se	

Subsection 5-1006. Trailers and Storage Containers. It shall be unlawful for any person to allow, place, maintain or use a trailer or storage container on any property except in compliance with this section.

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A. In General. All trailers and storage containers placed on property shall:

1. Not be used, maintained or operated in a manner so as to constitute a public nuisance under any provision of the City Code.

2. Comply with all applicable city codes.

 3. Unless inspected, approved and regulated by OSHA and/or ATF shall not contain any explosives, corrosive gases, chemicals, hazardous materials or regulated materials.

4. Not have any utility connection, temporary or permanent.

 5. Not be physically connected to any structure or building as defined in the Building Code adopted by the City.

 6. Not occupy any required on-site parking and circulation aisles, setbacks, buffer yard or perimeter landscaping.

7. Meet the setbacks required for permanent structures in the zoning district.

 8. Not be stacked one on top of another.9. Not exceed one (1) trailer or storage container per ten thousand (10,000) square feet, or part thereof, of permanent floor area provided there shall be a minimum

10. Be on the same lot as the principal use except this provision may be waived by the Director of Building Development Services (Director) if the Director determines the trailer or storage container is on a lot that is adjacent to a lot or lots where the principal use is located. The granting of a waiver to the requirement that the storage container or trailer be on the same lot shall be discretionary with the Director. In the event the Director denies any request

under this paragraph for a permit, the Director shall state the reason in writing

B. Temporary Placement of Trailers and Storage Containers. Within a GR, HC, RI, IC, HM, GM and LI district, trailers and storage containers are permitted on a temporary basis for a period of up to sixty (60) days in a calendar year provided it complies with

of one thousand (1,000) square feet of permanent floor area

1. An application for a permit shall be submitted to and approved by the Department prior to the placement of any trailer or storage container.

2. The application shall be signed by the applicant stating that the applicant will comply with the requirements of all applicable city codes when trailers or storage containers are located on a lot.

 3. A trailer or storage container shall not be located on a lot for more than a total of sixty (60) days, within a calendar year in accordance with the following options:

a. One, sixty (60) day period; or

and provide the applicant a copy.

5-1006.A. and the following:

- b. Two, thirty (30) day periods; orc. Three, twenty (20) day periods
  - (Each period of use requires a separate permit)

 4. The maximum permitted time within two consecutive years shall not be combined to exceed sixty (60) consecutive days without a minimum of thirty (30) days between any two permitted periods.

C. GM, HM and LI Districts. Within a GM, HM and, LI district placement of trailers and storage containers are permitted provided the placement complies with 5-1006.A and the following:

1. An application for a permit with a site plan shall be submitted to and approved by the Department showing that the placement of the trailers and storage containers conform to the requirements of all applicable city codes. The permit shall be for a calendar year and may be renewed in accordance with procedures established by the Director and payment of fee established for renewals in the fee ordinance of the city.

2. The on-site area where the trailers and storage containers will be located shall be identified on the site plan. Trailers and storage containers shall be placed within the approved area and may be located, removed and relocated within the approved area without submission of a new site plan unless the number of trailers and/or storage containers increases beyond the number of trailers or storage containers approved for the storage area.

3. The square footage of the trailers and storage containers shall be added to the permanent floor area of the principal use for the purpose of calculating maximum building coverage. The total floor area of all trailers, storage containers and permanent structures on the lot shall not exceed the maximum building coverage permitted by the zoning district in which the property is located.

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4. The use limitations in subsection 4-4204 of the Zoning Ordinance in effect on the date of the passage of this ordinance for outdoor storage in the GM district shall apply to the placement of all trailers and storage containers in the GM, HM and LI districts.

D. Exceptions: The following are exempt from all provisions of subsection 5-1006 except for 5-1006.A. 1-5.

1. Inventory for New Business. Trailers or storage containers parked on a lot to move inventory to the business when a business is first locating on a lot provided the trailers or storage containers are removed from the lot within fourteen (14) days. There shall be no sales from the trailer or storage container and no signs advertising on site business activities on the trailer or storage container. Any person who violates 5-1006.D.1 shall lose the right to use a trailer or storage container for inventory of a new business for a period of five (5) years.

2. Construction. Trailers and storage containers used for the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of a building which is being remodeled during the course of a project on a lot for which a building permit has been issued provided the Director may authorize the location of a trailer or storage container on another lot upon determining that the location is necessary and reasonable under the

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- circumstances at his or her discretion. Trailers or storage containers used for the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of a building which is being remodeled, where no building permit is required provided the trailer or storage container is located on a lot where the work is being performed and is not located on the lot for longer than thirty (30) days in a calendar year.
- 3. Residential. The loading and unloading of a trailer or storage container in a residential district for a period not to exceed thirty (30) days provided the trailer or storage container is located in a legal parking space on the lot.
- 4. Loading and Unloading. The loading or unloading of a trailer or storage container in all districts, exclusive of residential districts, for a period not to exceed three (3) days provided the trailer or storage container is located in an off-street loading area that meets requirements of subsection 6–1304.
- 5. Motor Freight Terminals and Distribution Centers. Storage of trailers and storage containers are allowed as a customary activity of a motor freight terminal, a distribution center or a similar use.

#### E. Existing uses.

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- 1. Existing Use When Permit Has Been Issued. Any person who submitted a site plan as required by 5-1006 (G) of General Ordinance 5019 adopted on October 23, 2000 that was approved by the Department prior to July 24, 2006 who has trailers or storage containers on their property at the time this ordinance is adopted in compliance with the approved site plan may continue with the use of trailers or storage containers for a period of ten (10) years from the effective date of this ordinance provided they continue to meet all provisions of 5-1006 (G) that were in effect at the time the permit was issued, 5-1006.A.1-5 and 8 and provisions of 5-1704.B through 5-1704.L.
- 2. Existing Use For Which No Permit Has Been Issued. Any person who prior to July 24, 2006 had a trailer or storage container who did not submit and obtain approval of a site plan as required by 5-1006 (G) of General Ordinance 5019 adopted on October 23, 2000 may continue the use for a period of two (2) years from the effective date of this ordinance provided:
  - a. The number of trailers or storage containers permitted under this provision shall not exceed the number allowed under General Ordinance Number 5019 notwithstanding other provisions of the Zoning Ordinance.
  - b. The trailer or storage container does not violate the Fire Code.
  - c. The trailer or storage container is registered within sixty (60) days of the effective date of this ordinance and proof is submitted that the trailer or storage container was located on the property July 23, 2006. The applicant shall have the burden of proving that the trailer or storage container was located on the property July 23, 2006.
- 3. Public Nuisance. Any trailer or storage container that remains on the property after the ten years has expired under 5-1006.E.1 or after the two years under 5-1006.E.2 is declared to be a public nuisance.
- F. Registration and Application for Permits.

- 1. No person shall place, maintain or use a trailer or storage container on any property subject to 5-1006. B or C unless a permit has been issued by the department or the trailer or storage container is registered under 5-1006. E.2.
  - 2. No person shall place, maintain or use a trailer or storage container on any property subject to 5-1006. B, C or E except in accordance with the permit or registration that has been issued by the department.
  - 3. An application for a permit shall be made by the owner of the property, a person in control of the property, a tenant or a person operating a business on the property where the trailer or storage container will be located.
    - a. The application shall be in writing, signed and sworn to by the applicant. It shall be unlawful for any person to make a false statement in any application.
    - b. The application shall include the name, address and phone number of the responsible agent together with a signed acknowledgment by the responsible agent of his or her understanding of the duties and responsibilities of a responsible agent.
    - c. If the trailer or storage container is leased the application shall state the name, address and phone number of the lessor.
    - d. The applicant shall provide access to such property for the purpose of making the inspections necessary to ensure compliance with the codes and ordinances of the city.
    - e. The Director shall have the authority to establish rules for processing applications and to require the applicant to submit information that the Director determines is needed to process the application.
- 4. As a condition of issuance of a permit or registration the Director shall require the applicant to agree, on a form approved by the Director, that the Director or his or her designated representative may search the trailer or storage container if necessary to determine if materials are stored therein that are prohibited by 5-1006. Except in an emergency the Director or his or her designated representative shall endeavor to give oral or written notice to the person to whom the permit or registration has been issued.

#### G. Responsible Agent.

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- 1. Any person who applies for a permit or registration under 5-1006. B, C or E.2 shall list at the time of their application a responsible agent. The applicant and the responsible agent shall be jointly responsible for compliance with provisions of 5-1006. B, C or E.2. Any person designated as a responsible agent shall acknowledge on a form prepared by the Director his or her responsibility for compliance with sections 5-1006. B, C or E.2.
- 2. The lessor of any trailer or storage container that will be located on property subject to the provisions of 5-1006. B, C or E.2, shall register with the Director and designate a responsible agent. The lessor of the trailer or storage container shall:
  - a. Not lease, place or cause to be placed a trailer or a storage container subject to the provisions of subsection 5-1006.B, C, or E.2 without first obtaining written confirmation from the Department that a permit has been issued and is in effect. A copy of the permit shall constitute

1/2 written confirmation.

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- b. Locate trailers and storage containers in accordance with the permit.
- c. Remove or cause to be removed the trailer or storage container when the permit has expired if they have not been removed, provided the person to whom the permit has been issued has notified the lessor that the trailer or storage container is ready for removal.
- 3. Any person designated as a responsible agent shall be responsible along with the person who has been issued the permit for compliance with the above provisions and shall acknowledge such responsibility at the time he or she is designated as a responsible agent on a form prepared by the Director.
- 4. A responsible agent shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity, having his or her place of residence and/or place of business located in the state and the city or within the County of Greene or any contiguous county to the County of Greene along with Taney and Stone counties. A responsible agent shall at all times have ownership or management responsibilities with respect to the business of the person requesting the permit or the business of the person leasing the trailer or the storage container.
- 5. All official notices of the city may be served upon the responsible agent. The person designating the responsible agent shall agree that any notice to the responsible agent shall constitute notice to the person designating the responsible agent. Notice provisions contained in this paragraph are in addition to and supplement notice under 3-1501. D.

## H. Administration, Enforcement and Review.

- 1. All of the provisions set forth in Division III of Article I of the Land Development Code shall apply. In addition, to the penalties and remedies in sections 3-1500 to 3-1507 the Director shall have the authority to deny any person who has violated subsection 5-1006 a permit for location of a trailer or storage container on the same lot.
- 2. The City Council determines that the "economic value" of a continuing violation under section 3-1504 of Article I of the Land Development Code (the Zoning Ordinance) is not less than \$300 per day per trailer or storage container.
- 3. Each day that a storage container or trailer is in violation of subsection 5-1006 is a continuing violation and the minimum fine shall be \$300 per day per trailer for each day the ordinance is violated.
- 4. Any person who fails to obtain a permit before a trailer or storage container is located on the property and thereafter applies for a permit shall pay an additional \$500 application fee per trailer or storage container.
- 5. The Director shall have authority to obtain a search warrant based on probable cause pursuant to the procedures set forth in Section 74-33 of the City Code.
- 6. Presumption. The following legal presumptions are hereby established by operation of this ordinance: When a violation is alleged relating to subsection 5-1006, a party named pursuant to provisions of 5-1006. G as a responsible agent, when one is so named, is presumed to a person who committed the alleged violation. When a violation is alleged relating to subsection 5-1006 whether or not a person has been identified as a responsible agent pursuant to

provisions of this section, the person who owns, occupies, controls, is a tenant of, or conducts business on the property where the violation is alleged to have occurred shall be presumed to a person who committed the alleged violation. The operation of this subsection shall not be construed to prohibit a finding that multiple parties jointly committed a single violation of the provisions of this section. One or all of the foregoing presumptions may be defeated upon the showing of significant proof by the accused.

7. Any trailer or storage container that is in violation of 5-1006 is hereby declared to be a public nuisance.

<u>Section 5</u> – That the following fees are established for certain services provided under this ordinance:

- 1. Ninety-five dollars (\$95) for review of an application under 5-1006.B.
- 2. One hundred and forty-five dollars (\$145) for review of an application and renewal under 5-1006.C.
- 3. One hundred and ninety dollars (\$190) for review of the registration under 5-1006.E.2

The above fees are intended to recover only the cost of providing the service. The fee is due at the time the city provides the service. Prior to the passage of this ordinance the city did not provide this service. The fee shall be charged to only those persons who request the service. Fees established in this section shall be incorporated into General Ordinance No. 5689, the annual Fee Schedule ordinance and may be adjusted by the City Council annually to recover the cost to provide the service.

Section 6 — It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since such remaining provisions would have been enacted by the city council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

<u>Section 7</u> – This ordinance shall be in full force and effect thirty (30) days from and after passage.

Passed at meeting: _	
	Mayor
Attest:	aye
,	
Filed as Resolution: _	
Approved as to Form:	, Special Counsel
Approved as to roini.	
Approved for Council	Action: Solding, City Manager
NIJOLIA DETODIL I C10 42 07/04a	rana Cantainar Ordd 8.06.07 final dac

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes

Public Hearing: August 13, 2007 Sponsor: Collette, Chiles, Rushefsky, & Wylie

Date:

July 30, 2007

## EXPLANATION TO COUNCIL BILL NO. 2007-

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To approve an ordinance amending Division I, Springfield Land Development Code, Zoning Ordinance of the City of Springfield, Missouri, pertaining to placement, location and relocation of on-site storage trailers, storage containers, and temporary storage units and establishing fees for review of applications (Community Involvement Committee, Planning and Zoning Commission and staff recommend approval).

BACKGROUND INFORMATION: On July 24, 2006, City Council adopted a resolution directing the City Manager to conduct a review of the requirements for on-site storage containers and temporary storage units and to present such findings to the Community Involvement Committee and the Planning and Zoning Commission. As part of the resolution, City Council approved an administrative delay to allow the staff Enforcement Issues Committee (EIC) time to research and produce a report and, if necessary, amendments to the current requirements to regulate on-site storage containers and trailers. The administrative delay was extended one time and currently expires on September 16, 2007.

The current ordinance (Exhibit B of the Zoning Report) allows storage containers and trailers only in the GR, HC and IC districts on a temporary basis for up to 45 days and on a permanent basis provided a permit is issued by the city. There are limits on the number of trailers or storage containers based on square footage and set back requirements. Despite enactment of the current ordinance to accommodate industry concerns during the last seven years only 5 permits for permanent uses have been issued indicating that the industry ignored the 2000 amendments.

The Community Involvement Committee met three times to discuss the issue and recommended the proposed amendments. The Development Issues Input Group (DIIG) was provided periodic updates and a copy of the proposed amendments. DIIG had no recommended changes. The Planning and Zoning Commission reviewed the proposed amendments and recommended approval and further consideration of four issues.

STAFF COMMENTS: The proposed amendments provide a more comprehensive approach with particular emphasis on better enforcement. Trailers and storage containers can be located on a temporary basis in the GR, HC, IC and RI districts, and the amendments expand the temporary and permanent use to the LI, GM and HM districts but under more limited circumstances. Since this activity may have a detrimental affect on surrounding properties and presents unique life-safety code problems the number of units per lot is limited to one for each 10,000 square feet of permanent floor space or part thereof for each trailer or storage container with a minimum of 1,000 square feet for the first unit.

The trailer or storage container cannot occupy any required parking or circulation aisles, setbacks, buffer yard or perimeter landscaping. In addition, they must meet the set backs for permanent structures and comply with all city code provisions including the zoning district in which they are located. A permit must be obtained from the Department of Building Development Services. The time allowed for the temporary use is changed from 45 days to 60 days per year. The right to permanently place storage is eliminated in the retail districts except that those who already have permits may continue for ten years and those who did not get permits and had the trailers or containers located on the property prior to July 23, 2006, (the date the original administrative delay was put in place) may continue for up to two years in most instances provided they register the use and prove that the use existed on the day that the administrative delay went into effect, except where there is a public safety issue.

The proposal would allow permanent location of trailers or storage containers in the LI, GM and HM districts based on many of the same conditions set forth for the temporary location of trailers and storage containers.

Enforcement is a critical issue because of limited staff resources and the fact that there is a continued economic benefit to use of the trailer or storage container creating an incentive to stall for as long as possible so the use can continue. Substantial changes are proposed in this area to make the enforcement consistent and efficient.

The Planning and Zoning Commission did not have any issues with the proposed land use regulations in the amendments but expressed concerns about four issues that are beyond the land use issues they typically review. These four issues are: (a) the fee schedule, (b) the responsibilities of the container owner and the lessee, (c) public involvement on economic impact, and (d) enforcement plan by BDS.

Staff has prepared a white paper (attached) that addresses the issues identified by Commission. Staff is proposing new language in the proposed amendments to clarify the responsibilities of the container owner and the lessee. The Community Involvement Committee and the Planning and Zoning Commission did not review this language, but the proposed language is not a substantive change, only clarification.

Following the public hearing at Commission, staff met with some businesses regarding their operations and use of storage trailers. As a result, staff is now recommending that there not be a maximum limit of five trailers or containers.

**RECOMMENDATION:** The Community Involvement Committee met on July 3, 2007 and recommended approval by a vote of 4-0.

The Planning and Zoning Commission held a public hearing on July 26, 2007, and recommended approval of the proposed amendments by a vote of 6-1. The Planning and Zoning Commission recommended City Council further consider the following issues: (a) the fee schedule, (b) the responsibilities of the container owner and the lessee, (c) public involvement on economic impact, and (d) enforcement plan by BDS.

The Building Development Services and Planning and Development staffs also recommend approval of the proposed amendments (attached Zoning Report).

Submitted by:

Approved by:

Planning and Development

City Manager

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#### RECORD OF PROCEEDINGS

## GENERAL INFORMATION:

To amend the Zoning Ordinance pertaining to On-Site Storage in Trailers and Storage Containers.

**COMMISSION HEARING:** 

July 26, 2007

Mr. Rognstad said there has been an ordinance in place since 2000 but this action was initiated by City Council. Council's Community Involvement Committee has been studying this for some time and these are the recommendations that have come from that committee. There is an administrative delay on permits for new storage containers and trailers. He stated staff forwarded an e-mail from Councilman Dan Chiles stating a proposal he has formulated. Mr. Rognstad clarified this is not the position of the rest of the committee or City Council. He also indicated staff has provided Commission two letters, one from Mr. Gannaway, which talks about this proposal being a step backwards. Mr. Rognstad said he is not sure Mr. Gannaway realizes there is already an ordinance in place that is in some ways more restrictive. He said if this ordinance were not passed the current ordinance would be used and enforced. The other letter was from Link Construction and Development discussing construction trailers used on construction projects. Mr. Rognstad said those are handled differently and are exempt during construction.

Howard Wright, Special Counsel, thanked Commission for their volunteer services. He said there are three overriding concerns: fire, temporary storage becoming permanent storage and aesthetics. The current ordinance was adopted in 2000 and allows storage containers in a limited number of areas on a temporary basis up to 45 days. He said they are allowed on a permanent basis provided a permit is issued and there are limitations on square footage. He said only five permits have been issued in six years. He said there are three basic options: change the current ordinance, enforce the current ordinance on a complaint basis, or do nothing and repeal the current ordinance. He said if the current ordinance is repealed the City would then revert back to the ordinance prior to 2000 which is even more restrictive. Mr. Wright referred to the staff report, Exhibit A, and read through the basic requirements A thru H. He pointed out in Section B; the number of districts has been expanded along with providing three options on the number of days they can be permitted for. Obtaining a permit is fundamental to this process. He said the Prosecutor's Office has required that a responsible agent, a natural person and not a corporation, be listed on the permit. He said they have received complaints about that requirement but they feel it can be addressed in the lease contract.

Mr. Compton asked if diagnostic trailers, such as mobile CT units, would be considered a trailer. Mr. Wright said a temporary permit could be obtained but it was not specifically addressed. Mr. Rognstad pointed out it would not be considered as storage, which is what this ordinance addresses. Mr. Compton asked if there would be a way to address leniency for instances such as the ice storm where many generators were brought in on trailer units. Mr. Wright said there is discretion, under the ordinance, for these types of situations. Mr. Compton asked if the permit

would be posted on the storage units for contact and expiration information. Mr. Wright said that was discussed but they decided not to put that requirement in. He said because these trailers can be moving in and out they were more concerned about permanency and permitting.

Ms. Hansen clarified that the current ordinance is enforced on complaint basis but BDS will monitor the new one. Mr. Wright stated that was correct.

Mr. Shermer asked if the proposal already incorporated the items listed in Mr. Chiles' e-mail. Mr. Rognstad said no, Mr. Chiles is suggesting not adopting the ordinance just talked about and only use the four limitations outlined in his e-mail.

Mr. Rognstad gave a PowerPoint presentation illustrating the increased number of on-site trailers being used within the city from 1995 to 2007.

Ms. Ferguson asked who the five applicants were that received permits so far. Mr. Wright said 2009 South National, 509 South National, 2251 East Kearney, 2413 East Chestnut Expressway and 2010 West Division.

Ms. Hansen asked if the committee had looked at if this ordinance will reduce the number of units the larger stores are using. Mr. Wright said it would be a significant reduction because the recommendation of Building Development Services was that it not replace warehousing or permanent storage. There is a maximum of five units and a lot of these facilities have many more units than that.

Mr. Alden said the staff report shows it was submitted to DIIG but there are no comments from them. Mr. Rognstad said there were no substantial comments or changes. Mr. Rognstad said they understood it did not affect construction trailers.

David Hall, Fire Department gave a PowerPoint presentation on issues they face with these storage containers. Fire code issues they have encountered are trailers that block apparatus access routes, turning radii, fire connections, utility cutoffs, being used for improper storage, inhibiting forcible entry routes and are fire fighter safety hazards because of backdrafts and flashovers. He suggests that they allow containers but the numbers, locations and contents should be controlled as well as limiting the ignition sources.

Mr. Rognstad added there is an administrative delay in place that expires in August.

Bob Vanaman, 731 South Christopher, said he served on the Plans and Policies Committee when the 2000 ordinance was drafted. He stated the need for revision arose out of the many complaints received from citizens. He said they sent letters to all the citizens that had complained and invitations to the companies that use and provide the containers. He said he understands the cost for the permit will be \$90 and rent for the unit is \$90, which doubles the cost to the consumer. He said he feels that is a bit excessive. He said other than that, it appears to be a good ordinance and he believes Commission should consider adopting it.

Gary Deaver, 1120 South Delaware, said about four years ago a constituent approached him

about a container problem next door that no one could seem to do anything about. He said this person's company uses about 15% of their floor space for storage so he sees this as a fairness issue. He said he has reviewed the minutes from the meeting where the 2000 ordinance was passed and at that time staff had contacted 15 communities to see how they handled the issue of storage containers. Of those 15, 9 did not allow any at all. After reviewing the ordinance they found several flaws, enforcement being the main problem. He said they did a survey of those businesses listed in the phone book informing them they would be looking at the ordinance. Only two companies responded and between them they had 38 trailers in the retail setting. He said Famous Barr stated they only used about eight at a time around Christmas. He stated in the past four years he has checked their containers about a dozen times and they have had as many as the high 20's and just recently they had over ten. Mr. Deaver said the pool shop has over 20 at their location and there is more square footage of container than there is of building. He said Pods and Go Mini are new products, designed for storage elsewhere. They would not be affected as much because no permit would be required and they are allowed for 30-days.

Ms. Ferguson asked if he believes that holding the lessee and lessor both responsible will tighten up the ability to permit these units. Mr. Deaver said Law used methods that have worked in other areas to apply to this and will work in Municipal Court.

Ms. Hansen asked if there was a time line for compliance to allow the existing non-conforming uses to become compliant. Mr. Rognstad said if the trailers were on site prior to the administrative delay they have two years.

Mr. Shermer asked if enforcement would be on a complaint basis. Mr. Rognstad said there would be more proactive enforcement.

Pat Platter, 1949 East Sunshine, representing Mobile Storage Solutions. He said his client mainly rents trailers to industrial and heavy manufacturing customers. He said before tonight and the July 3 committee meeting he heard general specifications for the ordinance but nothing specific. Their general position is if there is problems with the fire code then fix the fire code. He said they have requested information for two months but this is the most specific information they have heard to date about fire. If there is a problem with safety, fix the building code, not the zoning code. He said regarding warehousing, everyone uses them including government institutional. He said the city, the public schools, Sequiota Park, Meador Park, MoDOT, Greene County Library are using these as permanent warehousing. He said in the latest proposal, GI is not included in these restrictions. He said if government is going to take the lead in prescribing the regulation it should set the example. At the last committee meeting, there was a proposal by a Councilman who is a former chairman of this Commission who said he wanted a distinction made between residential, general retail and everything else because he thought there were different considerations between those categories. They agree but what is not being heard now is different considerations between those three categories. There is a lot of regulation within this proposal and there is no plan from BDS that is going to regulate it. They suggest three things. First, if there is a problem with the contents of a trailer then lock it. Second, if it needs to be moved, move it. And last, if there has been a violation that requires locking or moving the trailer do not let the customer using it have it back until they pay a bond. He said there has been brief contact with the public on the ordinance and he does not consider DIIG to be a representative of

the industry to get the problems solved. The major retail community is whom he believes needs to reached out to and his client, Ms. Teeslink, has tried to cooperate. He suggests visual blight does not apply in the industrial areas. They suggest if the city wants a consensus ordinance that will be able to be fairly enforced, their ideas should be considered. Those ideas include an amendment to the fire code, building code and a way to enforce those effectively. This proposal will not fix the problem; only cause more regulations and lawsuits but not more enforcement.

Jo Sharp, 2426 South Edgewater Drive, said she has been the General Manager of Macy's for eight years and attended the meetings when this was being discussed in 2000. She has never been contacted since. She said she has been through fire inspections consistently and the reason they use storage containers is to be able to comply with fire codes regarding the building. From a retailer's standpoint she does not feel there has been enough thought on the financial impact this will have on the city. She said the fourth quarter are heavy retail months and this will involve going from two trailers of merchandise to five trailers [Is this correct?] of merchandise coming into the building. She said that would cause an increase in safety issues because of the number of trucks coming in and out of their location. She said if there are problems allow them to work with the fire department to resolve it. She said they have never brought to her attention that they are not in compliance. Realistically the physical and financial impact on sales tax revenue needs to be considered. If inventory is limited the customers have many other places to buy it such as the internet.

Mr. Alden asked if their main objection is the limit on the number of containers allowed. Ms. Sharp said the limit would be acceptable eight months out of the year but in the fourth quarter the volume of business is higher. She said if they had additional access to storage during that time it might be acceptable. Mr. Alden asked if there were any other objections within the ordinance. She said the number of containers and the lack of communication. She has submitted a site plan but no one has contacted her in eight years and she only heard about the meeting when an attorney contacted her.

Ms. Hansen said in the PowerPoint presentation, Commission seen aerial pictures of her business in 1999 with a few trailers and then this spring with many trailers. She asked how the warehousing practices have changed that the added trailers are needed. Ms. Sharp said volume has increased because the business has grown. They turn a lot of merchandise quickly and the mall has a limit on expansion. Ms. Hansen asked if in 1999 they were storing merchandise in an off-site location. Ms. Sharp said they still use off-site storage. She said at night the trailers are secured so there is not a possibility of someone accessing the trailer and creating a fire. Ms. Hansen said she still does not understand the discrepancy between 1999 and present. Ms. Sharp said they are moving more merchandise.

Ms. Ferguson asked if the number of storage containers were decreased how much would the trailer truck traffic increase. Ms. Sharp said it varies seasonally. Ms. Ferguson asked if it would impact the cost of goods because of the increased shipping. Ms. Sharp stated yes.

Mr. Compton asked how the St. Louis store, a main regional store, deals with storage because he does not recall seeing this issue at those malls. Ms. Sharp said their warehouses are based out of St. Louis so they have better access. The Galleria location in St. Louis receives 2-3 trucks per

day. She said the way her store is set up, the trucks come through the parking lot and could cause a safety issue.

Brenda Teeslink, 3398 East Farm Road 82, said she would like to discuss the burden this ordinance, if passed in its current form, would place on her business and businesses that solicit her services. She said it will do irreparable damage to her company and poses a financial burden on herself and the business community in general. She said her company is small and provides a much-needed service to the community and the number of businesses that rent these units is testimony in itself to the need that exists and is ignored in this proposal. She said she has not seen Council address that in any meetings she has attended. She said the proposed permit fees cost more than she charges for rent. Her fee is \$60 for a 20-foot container and \$90 for a 40-foot container. Customers cannot afford to pay that cost and she does not think there is a need to permit them. Mr. Chiles addressed it simply in his proposal, but this proposal is so complicated the public cannot comply without an attorney. There should be a compromise that benefits the city without burdening the tax generating businesses. To put limits on the number of trailers they can have limits the growth and competition of that business. She agrees with Mr. Chiles this is a self regulating industry. She said an example is Springfield Public Schools who when needing additional housing for students bring in temporary trailers as classrooms. She said if those are allowed only for two months that will create a problem just like it will create a problem for her customers. These districts should be separated because in industrial and manufacturing areas there should be no aesthetic concerns. If businesses are restricted they will have to ship their products to an off-site storage, such as mini-storage, which is no less a safety issue and nothing has been gained. There will still be as many trucks and trailers on the lots. She said to place her as the responsible agent to enforce the city ordinances is unacceptable and she cannot control what is done with a trailer after it is rented. She is expected to confiscate the trailer when the permit has expired. If that customer does not agree to remove the product she has to remove it or be fined \$300 per day. That places her in litigation or bodily harm. She stated Mr. Chiles proposal is a very simple and effective on and in extreme safety violations the city can place a locking device to impede entrance. She said not once has anyone notified these businesses what is about to happen.

Ms. Hansen asked if she was specifically told the city wants her to confiscate the trailers that are no longer in compliance. Ms. Teeslink said the way she understands the ordinance and after speaking to Mr. Wright and Mr. Deaver she will have to confiscate the trailer. She was told if there was merchandise and they refuse to remove it she has to confiscate the unit or be in violation. Ms. Hansen said that is not the way she reads the ordinance.

Mr. Wright said Ms. Teeslink could put something into her contract that deals with those issues like it is dealt with in many other types of contracts. Mr. Wright said to answer other issues that were raised, government does not have to comply with zoning but the city has stated they will comply with this ordinance. In regards to the trailers used as classes, they are not being used for storage of materials or supplies and therefore not covered. He said nothing needs to be passed to enforce the fire code.

Ms. Hansen asked if Ms. Teeslink would be in violation if her trailer is not properly permitted and picked up. Mr. Wright said if she does not ensure a permit has been obtained then yes.

Ms. Hedrick said page 7, Section F.3, appears to say the person who places the container on the property is the one who applies for the permit and is under the obligations of the permit, not necessarily the person who owns it. Mr. Wright said F.3 does not cover the lessor. Ms. Hedrick said she agrees that Ms. Teeslink can protect herself by the contract. Ms. Teeslink said that under G.2 she, as the lessor, is subject to all rules and fines. Ms. Teeslink said that was not she was told.

Mr. Compton said, that if she is being fined \$300 per day, the fine could be passed on to whoever leased the trailer if listed in the contract.

Ms. Ferguson asked what she did now when a lease is up. Ms. Teeslink said they call her and they then go pick up the unit. Ms. Ferguson asked if there was not a contractual agreement. Ms. Teeslink said it is on a month-by-month basis. Ms. Ferguson asked what she did if they quit paying. Ms. Teeslink said that has only happened a couple of times and she has never had to repossess a trailer with contents. She said this ordinance puts her into a position to enforce the city's regulations and exposes her to litigation. Ms. Ferguson asked if she uses a written contract. Ms. Teeslink said yes. Ms. Ferguson said there is probably verbiage in the contract that covers nonpayment or damage to the container and these changes could be addressed there.

Jimmy McMillan, Springfield Glass Company 2503 North Oak Grove, said this ordinance would be detrimental to a lot of business people. He said he has three trailers on his property and without he cannot conduct his business as he does now. Storing materials off-site is not feasible and will drive up his cost. He said a 60-day permit is not sufficient and he does not think a permit is needed to store material on your property. He said the cost of the permit is excessive. The safety issues should be addressed but not while penalizing the businesses.

Paul Wilkerson, 4124 South Meadowlark, said he believes the permit cost is too high and not enough thought has went into the industrial side. He said in his situation he has never had a fire issue and it has never been brought up in a fire inspection. Until this week he was unaware that this proposal was going on.

Ms. Ferguson asked what the fee was based on. Mr. Wright said it covers the costs to provide the service. BDS determined the fee based on the minimum building permit fee. He said it covers an initial review and inspection. Fees can be adjusted at a later date if needed.

Ms. Hansen asked if that was the price per container. Mr. Wright said it was the cost per application and not based on the number of trailers.

Bill Shrek, 29421 State Highway 38, said he has a small storage business and feels this is a bundle of red tape that encumbers business owners. He said he was unaware of the fire safety issues until tonight and he believes Mr. Chiles addresses these problems in his suggestions. Mr. Shrek said he also has a problem with being fined because the permit has expired. He said it would cost him legal fees to recover those fines.

Craig Keeling, Engines Plus located at 2015 West Battlefield, asked where the product will go if the units are decreased. He said his research shows warehouse vacancy rates are below 7%,

which is below the national average. There will also be additional costs from moving merchandise back and forth as well as an increase in traffic. He said there is an organization called Southwest Area Manufacturers Association that should have been notified and involved in the process.

Mr. Compton asked what the impact on the schedule would be if this were to be tabled to the next meeting. Mr. Wright said if it were to be tabled there would need to be an extension of the administrative delay.

Mr. Wheeler said he believes a lot of this discussion is more appropriate for City Council and they can table it if they feel there is a need.

Ms. Hedrick said she feels she is not ready to vote. There is ambiguity that needs to be resolved about the applicant and responsible agent. There also seems to be a lot of speakers who feel they have not had an adequate opportunity to discuss the proposal with the city.

Ms. Ferguson said she would be in favor of tabling. She has concerns about the financial burden and fines.

Ms. Yendes said if the public hearing is not continued the case will have to be re-advertised.

Mr. Compton said the comment made about traffic congestion and the cost for fuel in transporting those goods should be considered. He said he also is concerned about the costs of enforcement and it should probably be investigated more closely.

Ms. Hansen said if this were to be tabled she would like to give specific information they are looking for. She said she feels there could be a disastrous outcome if nothing is done. She said the safety issue is the most compelling issue and she believes the ordinance, as it is written, does not put everyone on the same level. She believes the fees, fines and the responsibility of the owners of the containers needs to be addressed.

Mr. Alden said his biggest concern is the lack information on the economic impact on the businesses and city revenues as well as the lack of community involvement in the process. He does not believe those issues can be addressed before the next Commission meeting.

Ms. Hansen asked how it was advertised and who was it advertised to. Mr. Rognstad said primarily it was the trailer companies with the thought they would contact their customers. There were also articles in the paper and the normal legal advertising was done on the amendment. He said the fees are included but are more under the prerogative of Council. They are in a separate city ordinance and based on a cost recovery formula. Commission can point out Council should look at that.

Mr. Wright said the Council committee had several meetings and many who spoke tonight were at those meetings. He said he is confident the business owners did contact their customers but the ordinance was not circulated to everyone in the community who might have an interest.

Mr. Alden said if he would like a detailed list of who participated in the meetings and when the meetings were, not vague comments that the Chamber of Commerce were aware of what was going on.

Mr. Deaver said Brian Mooney was the Chamber representative that attended the meetings. Also, Lee Gannaway and Pat Platter's law firms did mailings. He said those letters were inflammatory, taking the temporary storage part of the ordinance and implying that would be applied to anyone who rented a container. He said he received calls from Bill Abbott, Springfield Office Supply, who said his letter implied he would be paying more than \$100 to store goods ordered by customers for a short time. He said many who received the mailings called with their concerns but their questions were answered and they are not present at tonight's meeting. He said the traffic issues [do not?] concern him because the goods come in by tractor-trailers anyway.

Mr. Platter said Ms. Teeslink found out about tonight's hearing last Friday. He said the only person he contacted about tonight's meeting was a manager at the Battlefield Mall. Mr. Compton asked if his law firm sent out a letter about the proposed ordinance. Mr. Platter said the only thing sent, with his signature, was sent to the city.

Mr. Wheeler asked if the minutes of City Council's agenda were posted on the website. Ms. Yendes said all meeting minutes are posted on the website. She said all notices that are done by the city, by ordinance, exceeds state law. Mr. Wheeler said he recalls seeing the storage container study listed on the agenda and website.

Mr. Alden said he is not concerned about the notice but the involvement of the retail community in the process.

Ms. Hansen said she is disappointed the container companies did not involve their customers before it got to this point.

Mr. Compton asked if Commission would like to table or vote on the proposal.

Mr. Alden said he does not think anything will get resolved between now and the next meeting if it is tabled. He believes they should vote.

Ms. Hansen asked if Commission could give recommendations to Council regarding their concerns. Mr. Rognstad said it could be forwarded with areas Commission feels are a concern.

Mr. Compton said he has been to several Council meetings were they have expressed concerns that Commission did not resolve issues but the fee structure and administration areas appear to be beyond Commission's authority.

Mr. Alden said he does not want to be perceived as dumping things off on Council but he does not feel they have authority other than recommending or not recommending approval. Mr. Rognstad said if Commission feels the basic proposal is sound then it can be sent to Council with suggestions. If Council feels they need to, they can send it back to the committee.

Ms. Hedrick said interested parties should be involved. Mr. Rognstad said if Council directs staff to have a meeting that can be done.

With no further speakers, the public hearing was closed.

Mr. Compton said several years ago when portable signage was addressed there were concerns about the financial impact but it seems we are better off without it. He also feels the fee structure and the method of enforcement should be looked at.

### **COMMISSION ACTION:**

Hansen made the motion to recommend approval of Zoning Ordinance Amendment On-Site Storage in Trailers and Storage Containers with the request that Council look at the fee schedule, responsibility of the container owner and lessee, public involvement for economic impact and enforcement plan by BDS. Hedrick seconded the motion. Motion carried as follows: AYES: Compton, Hansen, Ferguson, Hedrick; Wheeler, Shermer; NAYS: Alden; ABSTAIN: None; ABSENT: Mason and Cover.

Executive Secretary

Planning and Development

# Planning & Development Report

Planning & Development Department 417-864-1611 840 Boonville Avenue, Springfield, Missouri 65801

DATE: July 18, 2007

PURPOSE: To amend the Zoning Ordinance pertaining to On-Site Storage in Trailers and Storage Containers.

#### **BACKGROUND:**

Prior to 2000, the Zoning Ordinance prohibited the storage of trailers and storage containers in retail districts. Nevertheless there were extensive violations of the ordinance by some merchants. In October of 2000, the City Council adopted an ordinance (Exhibit B) that allowed trailers and storage containers to be located in GR, HC and the IC zoning districts on a temporary basis for up to 45 days and in some situations on a permanent basis. In 2006, the City Council imposed an administrative delay on the issuance of permits for trailers and storage containers in these districts in order to provide staff an opportunity to research this matter. The administrative delay was put in place so that new permits would not be issued under the existing regulations that might change after the study was complete. The issue was also referred to the City Council's Community Involvement Committee for study and a recommendation. The Committee meet three times to discuss the issue and provide direction to staff. Exhibit A is the Committee's recommendation for amendments to the Zoning Ordinance.

City staff checked with a number of communities to see how they are handling this type of activity. Results of the survey were mixed with no discernable pattern. City staff did review this issue with the consultant who is studying outside storage of materials as related to junkyards and other similar facilities (study did not include storage in trailers or storage containers). The consultant was not able to provide any significant insights.

The proposed amendment was presented to the Development Issues Input Group (DIIG) for their review and comment.

#### REMARKS:

The use of storage containers and trailers for permanent or temporary storage represents a major departure from the basic philosophy that storage of materials should be subject to the basic life safety codes of the city and in particular the building and fire codes. When materials or goods are stored in trailers or storage containers it is very difficult for the Fire Department to know exactly what type of materials are being stored which is critical information if there is a fire. In short, extensive use of trailers and storage containers means that basic life safety codes have been abandoned for this type of use. Many of these trailers and storage containers have also now transitioned from temporary facilities to permanent fixtures. The use of storage containers and

trailers in the GR, HC and IC districts has a negative impact on surrounding property and the community primarily as visual blight.

Prior to the 2000 amendments to this section, there were many complaints about trailers being used for on-site storage. The 2000 amendments, approved by the City Council, were based on a compromise to allow trailers and storage containers under limited circumstances, provided permits were obtained. Unfortunately, only five permits were ever obtained while the use of these facilities in violation of the 2000 ordinance proliferated. The City currently enforces this ordinance on a complaint basis. Even though most of the trailers and storage containers are in clear violation of the current ordinance, very few complaints have been received. Staff believes there have not been as many complaints since 2000 because the public believes the trailers and storage containers are in compliance with the ordinance that was adopted in 2000. Proliferation of the illegal use of these facilities has led to concern by some City Council members and review by staff of the current ordinance.

This proposal, which is attached, does not prohibit the use of storage containers or trailers, instead it provides for a limited but more comprehensive approach with particular emphasis on better enforcement. This bill continues to allow location of trailers and storage containers on a temporary basis in the GR, HC, and IC districts and expands the use to the RI, HM and LI districts but under more limited circumstances. Since this activity may have a detrimental affect on surrounding properties and presents unique life-safety code problems the number of units per lot is limited to five provided there must be at least 10,000 square feet of permanent floor space or part thereof for each trailer or storage container with a minimum of 1,000 square feet for the first unit. The trailer or storage container cannot occupy any required parking or circulation aisles, setbacks, buffer yard or perimeter landscaping. In addition, they must meet the set backs for permanent structures and comply with all city code provisions including the zoning district in which they are located. A permit must be obtained from the Department of Building Development Services. The time allowed for the temporary use is changed from 45 days to 60 days per year. The right to permanently place storage is eliminated in the retail districts except that those who already have permits may continue for ten years and those who did not get permits and had the trailers or containers located on the property prior to July 23, 2006, (the date the original administrative delay was put in place) may continue for up to two years in most instances provided they register the use and prove that the use existed on the day of the administrative delay went into effect, except where there is a public safety issue.

The proposal would allow permanent location of trailers or storage containers in the HM, GM and the LI districts based on many of the same conditions set forth for the temporary location of trailers and storage containers. Again a permit is required and not more than a total of five trailers or storage containers can be located in these districts.

Enforcement is a critical issue because of limited staff resources and the fact that there is a continued economic use to the trailer or storage container creating an incentive to stall for as long as possible so the use can continue. Substantial changes are proposed in this area to make the enforcement consistent and efficient. Attached is an overview of how the ordinance works.

The current ordinance (Exhibit B) allows storage containers and trailers only in the GR, HC and IC districts on a temporary basis for up to 45 days and on a permanent basis provided a permit is issued by the city. There are limits on the number of trailers or storage containers based on square footage and set back requirements. Despite enactment of the current ordinance to accommodate industry concerns during the last seven years only 5 permits for permanent uses have been issued indicating that the industry ignored the 2000 amendments. Staff notes that allowing these to be permitted on a permanent basis creates rights to continue to use these facilities even if the city decides to change the law.

The proposed requirements are divided into six basic parts

- 5-1006.A.—Lists general requirements that apply in all districts.
- 5-1006.B. -- Provides that within the GR, HC, RI, IC, HM, GM and LI districts that trailers and storage containers may be located for up to 60 days in any given year provided permit is obtained.
- 5-1006.C. -- Provides that trailers and storage containers may be located in the GM, HM
  and the LI districts on a permanent basis provided an annual permit is obtained. Trailers
  and storage containers can be moved in and out of the area once permitted.
- 5-1006.D. -- Contains a number of exceptions where no permit is required.
- 5-1006.E. -- Deals with existing uses and provides that any trailer of storage container that did not get a permit under the current ordinance may continue for up to two years provided they register and provide proof that the trailer or storage container was here when the administrative delay went into effect on July 23, 2006. Permanent uses where permits have been obtained may continue for a period of ten years. Trailers or storage containers that are public nuisances are prohibited
- 5-1006.F, G and H. -- Deals with the administration of the ordinance. A permit or registration is required except for those uses listed in 5-1006.D exceptions. No trailer or storage shall be located until the permit has been issued. In order to facilitate enforcement the applicant shall list a responsible agent who is a natural person. Presumptions are created with respect to violations. Persons leasing trailers or storage containers shall not locate the trailer or storage container unless a permit has been issued.

RECOMMENDATION: Staff recommends the amendments be approved.

STAFF CONTACT PERSON: Ralph Rognstad Jr. Director

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## EXHIBT A On-Site Storage in Trailers and Storage Containers

Division I of the Springfield Land Development Code, Section 2-1100, Definitions, will be amended by deleting the definition of Storage Container, adding a new definition for Storage Container and a definition for Trailer, which definitions shall read as follows:

Storage Container: A container which is capable of use for shipping goods or materials by rail, air or over the road that may be used on a lot for storage, with or without a transport vehicle or trailer.

Trailer: A container permanently mounted on wheels that was or may be used for storage, regardless of whether of not it is currently licensed for hauling or moving materials on the road regardless of whether or not a tractor or other device for pulling same is present on the lot where the trailer is located.

Division V of the Land Development Code, Subsection 5-1003.B will be amended by adding paragraph 9 thereto which paragraph shall read as follows:

9. Trailers or storage containers on any property within the city shall only be allowed in accordance with by Subsection 5-1006.

Division V of the Land Development Code, Subsection 5-1006 will be repealed in its entirety and a new Subsection 5-1006 will be enacted which shall read as follows:

Subsection 5-1006. Trailers and Storage Containers. It shall be unlawful for any person to allow, place, maintain or use a trailer or storage container on any property except in compliance with this section.

## A. In General. All trailers and storage containers placed on property shall:

- 1. Not be used, maintained or operated in a manner so as to constitute a public nuisance under any provision of the City Code.
- 2. Comply with all applicable city codes.
- 3. Not contain any explosives, corrosive gases, chemicals, hazardous materials or regulated materials that shall be stored in trailer or storage container.
- 4. Not have any utility connection, temporary or permanent.
- 5. Not be physically connected to any structure or building as defined in the Building Code adopted by the City.
- 6. Not occupy any required on-site parking and circulation aisles, setbacks, buffer yard or perimeter landscaping.
- 7. Meet the setbacks required for permanent structures in the zoning district.
- 8. Not be stacked one on top of another.
- 9. Not exceed one (1) trailer or storage container per ten thousand (10,000) square feet,

- or part thereof, of permanent floor area provided there shall be a minimum of one thousand (1,000) square fect of permanent floor area. In no event shall the number of trailers and storage containers on a lot exceed five (5).
- 10. Be on the same lot as the principal use except this provision may be waived by the Director of Building Development Services (Director) if the Director determines the trailer or storage container is on a lot that is adjacent to a lot or lots where the principal use is located. The granting of a waiver to the requirement that the storage container or trailer be on the same lot shall be discretionary with the Director. In the event the Director denies any request under this paragraph for a permit, the Director shall state the reason in writing and provide the applicant a copy.
- B. Temporary Placement of Trailers and Storage Containers. Within a GR, HC, RI, IC, HM, GM and LI district, trailers and storage containers are permitted on a temporary basis for a period of up to sixty (60) days in a calendar year provided it complies with 5-1006.A. and the following:
  - 1. An application for a permit shall be submitted to and approved by the Department prior to the placement of any trailer or storage container.
  - 2. The application shall be signed by the applicant stating that the applicant will comply with the requirements of all applicable city codes when trailers or storage containers are located on a lot.
  - 3. A trailer or storage container shall not be located on a lot for more than a total of sixty (60) days, within a calendar year in accordance with the following options:
    - a. One, sixty (60) day period; or
    - b. Two, thirty (30) day periods; or
    - c. Three, twenty (20) day periods
    - d. (Each period of use requires a separate permit)
    - e. The maximum permitted time within two consecutive years shall not be combined to exceed sixty (60) consecutive days without a minimum of thirty (30) days between any two permitted periods.
- C. GM, HM and LI Districts. Within a GM, HM and, LI district placement of trailers and storage containers are permitted provided the placement complies with 5-1006. A and the following:
  - An application for a permit with a site plan shall be submitted to and approved by
    the Department showing that the placement of the trailers and storage containers
    conform to the requirements of all applicable city codes. The permit shall be for a
    calendar year and may be renewed in accordance with procedures established by
    the Director and payment of fee established for renewals in the fee ordinance of the
    city.
  - 2. The on-site area where the trailers and storage containers will be located shall be identified on the site plan. Trailers and storage containers shall be placed within the approved area and may be located, removed and relocated within the approved area without submission of a new site plan unless the number of trailers and/or storage containers increases beyond the number of trailers or storage containers approved

for the storage area.

3. The square footage of the trailers and storage containers shall be added to the permanent floor area of the principal use for the purpose of calculating maximum building coverage. The total floor area of all trailers, storage containers and permanent structures on the lot shall not exceed the maximum building coverage permitted by the zoning district in which the property is located.

4. The use limitations in subsection 4-4204 of the Zoning Ordinance in effect on the date of the passage of this ordinance for outdoor storage in the GM district shall apply to the placement of all trailers and storage containers in the GM, HM and LI

districts.

D. Exceptions: The following are exempt from all provisions of subsection 5-1006 except for 5-1006.A. 1-5.

1. Inventory for New Business. Trailers or storage containers parked on a lot to move inventory to the business when a business is first locating on a lot provided the trailers or storage containers are removed from the lot within fourteen (14) days. There shall be no sales from the trailer or storage container and no signs advertising on site business activities on the trailer or storage container. Any person who violates 5-1006.D.1 shall lose the right to use a trailer or storage container for

inventory of a new business for a period of five (5) years.

2. Construction. Trailers and storage containers used for the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of a building which is being remodeled during the course of a project on a lot for which a building permit has been issued provided the Director may authorize the location of a trailer or storage container on another lot upon determining that the location is necessary and reasonable under the circumstances at his or her discretion. Trailers or storage containers used for the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of a building which is being remodeled, where no building permit is required provided the trailer or storage container is located on a lot where the work is being performed and is not located on the lot for longer than thirty (30) days in a calendar year.

3. Residential. The loading and unloading of a trailer or storage container in a residential district for a period not to exceed thirty (30) days provided the trailer or

storage container is located in a legal parking space on the lot.

4. Loading and Unloading. The loading or unloading of a trailer or storage container in all districts, exclusive of residential districts, for a period not to exceed three (3) days provided the trailer or storage container is located in an off-street loading area that meets requirements of subsection 6-1304.

5. Motor Freight Terminals and Distribution Centers. Storage of trailers and storage containers are allowed as a customary activity of a motor freight terminal, a

distribution center or a similar use.

E. Existing uses.

- 1. Existing Use When Permit Has Been Issued. Any person who submitted a site plan as required by 5-1006 (G) of General Ordinance 5019 adopted on October 23, 2000 that was approved by the Department prior to July 24, 2006 who has trailers or storage containers on their property at the time this ordinance is adopted in compliance with the approved site plan may continue with the use of trailers or storage containers for a period of ten (10) years from the effective date of this ordinance provided they continue to meet all provisions of 5-1006 (G) that were in effect at the time the permit was issued, 5-1006.A.1-5 and 8 and provisions of 5-1704.B through 5-1704.L.
- 2. Existing Use For Which No Permit Has Been Issued. Any person who prior to July 24, 2006 had a trailer or storage container who did not submit and obtain approval of a site plan as required by 5-1006 (G) of General Ordinance 5019 adopted on October 23, 2000 may continue the use for a period of two (2) years from the effective date of this ordinance provided:
  - a. The number of trailers or storage containers permitted under this provision shall not exceed the number allowed under General Ordinance Number 5019 notwithstanding other provisions of the Zoning Ordinance.
  - b. The trailer or storage container does not violate the Fire Code.
  - c. The trailer or storage container is registered within sixty (60) days of the effective date of this ordinance and proof is submitted that the trailer or storage container was located on the property July 23, 2006. The applicant shall have the burden of proving that the trailer or storage container was located on the property July 23, 2006.
- 3. Public Nuisance. Any trailer or storage container that remains on the property after the ten years has expired under 5-1006.E.1 or after the two years under 5-1006.E.2 is declared to be a public nuisance.

#### F. Registration and Application for Permits.

- 1. No person shall place, maintain or use a trailer or storage container on any property subject to 5-1006. B or C unless a permit has been issued by the department or the trailer or storage container is registered under 5-1006. E.2.
- 2. No person shall place, maintain or use a trailer or storage container on any property subject to 5-1006. B, C or E except in accordance with the permit or registration that has been issued by the department.
- 3. An application for a permit shall be made by the owner of the property, a person in control of the property, a tenant or a person operating a business on the property where the trailer or storage container will be located.
  - a. The application shall be in writing, signed and sworn to by the applicant. It shall be unlawful for any person to make a false statement in any application.
  - b. The application shall include the name, address and phone number of the responsible agent together with a signed acknowledgment by the responsible agent of his or her understanding of the duties and responsibilities of a responsible agent.
  - c. If the trailer or storage container is leased the application shall state the name, address and phone number of the lessor.

d. The applicant shall provide access to such property for the purpose of making the inspections necessary to ensure compliance with the codes and ordinances of the city.

e. The Director shall have the authority to establish rules for processing applications and to require the applicant to submit information that the Director

determines is needed to process the application.

4. As a condition of issuance of a permit or registration the Director shall require the applicant to agree, on a form approved by the Director, that the Director or his or her designated representative may search the trailer or storage container if necessary to determine if materials are stored therein that are prohibited by 5-1006. Except in an emergency the Director or his or her designated representative shall endeavor to give oral or written notice to the person to whom the permit or registration has been issued.

#### G. Responsible Agent.

1. Any person who applies for a permit or registration under 5-1006. B, C or E.2 shall list at the time of their application a responsible agent. The applicant and the responsible agent shall be jointly responsible for compliance with provisions of 5-1006. B, C or E.2. Any person designated as a responsible agent shall acknowledge on a form prepared by the Director his or her responsibility for compliance with sections 5-1006. B, C or E.2.

2. The lessor of any trailer or storage container that will be located on property subject to the provisions of 5-1006. B, C or E.2, shall register with the Director and designate a responsible agent. The lessor of the trailer or storage container shall:

a. Not lease, place or cause to be placed a trailer or a storage container subject to the provisions of subsection 5-1006.B, C, or E.2 without first obtaining written confirmation from the Department that a permit has been issued and is in effect. A copy of the permit shall constitute written confirmation.

b. Locate trailers and storage containers in accordance with the permit.

c. Remove or cause to be removed the trailer or storage container when the permit has expired if they have not been removed.

3. Any person designated as a responsible agent shall be responsible along with the person who has been issued the permit for compliance with the above provisions and shall acknowledge such responsibility at the time he or she is designated as a responsible agent on a form prepared by the Director.

4. A responsible agent shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity, having his or her place of residence and/or place of business located in the state and the city or within the County of Greene or any contiguous county to the County of Greene along with Tancy and Stone counties. A responsible agent shall at all times have ownership or management responsibilities with respect to the business of the person requesting the permit or the business of the person leasing the trailer or the storage container.

5. All official notices of the city may be served upon the responsible agent. The person designating the responsible agent shall agree that any notice to the responsible agent

shall constitute notice to the person designating the responsible agent. Notice provisions contained in this paragraph are in addition to and supplement notice under 3-1501. D.

#### H. Administration, Enforcement and Review.

- 1. All of the provisions set forth in Division III of Article I of the Land Development Code shall apply. In addition, to the penalties and remedies in sections 3-1500 to 3-1507 the Director shall have the authority to deny any person who has violated subsection 5-1006 a permit for location of a trailer or storage container on the same lot.
- 2. The City Council determines that the "economic value" of a continuing violation under section 3-1504 of Article I of the Land Development Code (the Zoning Ordinance) is not less than \$300 per day per trailer or storage container.
- 3. Each day that a storage container or trailer is in violation of subsection 5-1006 is a continuing violation and the minimum fine shall be \$300 per day per trailer for each day the ordinance is violated.
- 4. Any person who fails to obtain a permit before a trailer or storage container is located on the property and thereafter applies for a permit shall pay an additional \$500 application fee per trailer or storage container.
- 5. The Director shall have authority to obtain a search warrant based on probable cause pursuant to the procedures set forth in Section 74-33 of the City Code.
- 6. Presumption. The following legal presumptions are hereby established by operation of this ordinance: When a violation is alleged relating to subsection 5-1006, a party named pursuant to provisions of 5-1006. G as a responsible agent, when one is so named, is presumed to a person who committed the alleged violation. When a violation is alleged relating to subsection 5-1006 whether or not a person has been identified as a responsible agent pursuant to provisions of this section, the person who owns, occupies, controls, is a tenant of, or conducts business on the property where the violation is alleged to have occurred shall be presumed to a person who committed the alleged violation. The operation of this subsection shall not be construed to prohibit a finding that multiple parties jointly committed a single violation of the provisions of this section. One or all of the foregoing presumptions may be defeated upon the showing of significant proof by the accused.
- 7. Any trailer or storage container that is in violation of 5-1006 is hereby declared to be a public nuisance.

The following fees will be established for this ordinance.

- 1. Ninety-five dollars (\$95) for review of an application under 5-1006.B.
- 2. One hundred and forty-five dollars (\$145) for review of an application and renewal under 5-1006.C.
- 3. One hundred and ninety dollars (\$190) for review of the registration under 5-1006.E.2

The above fees are intended to recover only the cost of providing the service. The fee is due at the time the city provides the service. Prior to the passage of this ordinance the city did not provide this service. The fee shall be charged to only those persons who request the service. Fees established in this section shall be incorporated into General Ordinance No. 5689, the annual Fee Schedule ordinance and may be adjusted by the City Council annually to recover the cost to provide the service.

#### **EXHIBIT B**

Existing Requirements for On-Site Storage in Trailers and Storage Containers

- 5-1006. On-Site Storage. On-site storage in trailers and storage containers is permitted as an accessory use in the GR, HC and IC districts subject to the following restrictions. A use in the IC district must comply with the following restrictions if more than twenty-five (25) percent of the gross floor area is used for retail sales, otherwise, on-site storage in trailers and storage containers must only comply with the requirements of the IC district.
  - A. On-site storage occurs when a trailer or a storage container is located on a property for more than three (3) consecutive days, regardless of whether or not there are goods or materials stored in the trailer or storage container. Storage of empty trailers and storage containers on a property is not permitted unless the district specifically allows such use.
  - B. On-site storage in trailers and storage containers shall only be permitted accessory to a permanent structure on a premise.
  - C. The trailers and storage containers shall at a minimum:
    - 1. Not occupy any required on-site parking and circulation aisles;
    - 2. Meet the setbacks required for permanent structures by the zoning district, unless a greater setback is required in G.3 below; and
    - 3. If the bufferyard requirements are not already met, be screened by a solid wall or fence at least six (6) feet high located along all property lines that require a bufferyard and be located at least ten (10) feet from such property lines.
  - D. Storage containers shall not be stacked one on top of the other.
  - E. Trailers parked on site to move inventory when a business is first locating on a site are exempt from the above requirements provided the trailers are removed from a premise within fourteen (14) days of the business opening to the public.
  - F. Temporary Use of Trailers and Storage Containers. An establishment is permitted to have trailers and storage containers on a premise for a total of forty-five (45) consecutive or random days during a calendar year provided it complies with the following requirements:
    - 1. A permit shall be obtained from the Department of Finance and a statement signed that the business will comply with the requirements of this subsection each time trailers or storage containers are located on the premise. There is no fee for the permit.
    - 2. The number of trailers and storage containers shall not exceed one (1) trailer or storage container per ten thousand (10,000) square feet, or part thereof, of permanent floor area provided there shall be a minimum of one thousand (1,000) square feet of permanent floor area on a premise.

- 3. There is no permanent use of trailers or storage containers on a site.
- G. Permanent Use of Trailers and Storage Containers. An establishment is permitted to have trailers and storage containers on a permanent basis provided it complies with the following requirements:
  - A site plan shall be submitted to, and approved by, the Building Development Services Department showing conformance with the requirements of this Article and other City codes.
  - 2. An on-site storage area shall be identified on the site plan. Trailers and storage containers shall be placed within the on-site storage and may be located, removed and relocated without submission of a new site plan unless the number of trailers and storage containers increases beyond the threshold number for which a premise was approved.
    - i. The number of trailers and storage containers on the property shall not exceed one (1) trailer or storage container for each five thousand (5,000) square feet, or part thereof, of permanent floor area provided there shall be a minimum of one thousand (1,000) square feet of permanent floor area on a premise. In addition, the square footage of the interior of the trailers and storage containers shall be considered permanent floor area for the purpose of calculating maximum building coverage and total floor area of the trailers, storage containers and the permanent structures on the property shall not exceed the maximum building coverage permitted by the zoning district. This square footage shall be estimated from the maximum number of trailers that could be parked in the on-site storage area taking into consideration the need for circulation drives.
    - ii. Location and Screening of On-site Storage Areas. Unless screening is provided, on-site storage areas shall be located behind the front building line of the primary permanent structure and the side building line of the primary permanent structure on a corner lot, or setback the distance specified in the table below from all public rights-of-way excluding alleys, whichever is less.

Number of Trailers and Storage Containers

Setback From Public Rights-of-Way

9 or less 10 or more 100 feet 300 feet

On-site storage areas may be located anywhere on a premise provided the on-site storage area is screened from all public rights-of-way, except alleys, by a solid wall or fence at least six (6) feet high and a planting strip on the right-of-way side of the wall or fence at least ten (10) feet wide. The planting strip shall contain at least six (6) evergreen trees for each one hundred (100) linear feet of planting strip, evenly spaced to provide additional screening when the trees mature. The screen and wall shall be constructed of materials and finished consistent with the materials and finish of the primary structure.

# WHITE PAPER IN RESPONSE TO QUESTIONS RAISED BY THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission recommended approval of the proposed ordinance. They also asked the City Council to consider the following issues: (a) the fee schedule, (b) the responsibilities of the container owner and the lessee, (c) public involvement on economic impact, and (d) enforcement plan by BDS. This White Paper provides information about these questions.

(a) and (d) The fee schedule and the enforcement plan by BDS. All fees have been established based upon the estimated cost of implementing the requirements of the ordinance. The ordinance has three fees: \$95.00 per application for temporary placement; \$145.00 per year for permanent placement; and \$190.00 for registration of existing trailers and storage containers that did not obtain approval for placement under the provisions of the current ordinance. The registration fee for existing trailers is for a 2-year period and will require twice the number of inspections as either the Temporary or Permanent placement. The Permanent placement permit includes the minimum permit fee of \$95.00 plus the minimum plan review fee of \$50.00 for the site plan review. The site plan submitted and approved for the permanent placement can be used in subsequent years provided the conditions have remained the same. The fees are required to pay for all costs associated with the issuance of the permits, review of the site plans, performance of all inspections, mailing of all notices, and administration of the ordinance. These fees may be adjusted either up or down as is deemed necessary to recover the cost of administering the ordinance

The enforcement of this ordinance will be pro-active in that staff will not wait for complaints from the community before enforcement proceedings are initiated. Once a permit is issued, an inspector will go out to see that applicable code provisions are met (fire lanes, no stacking, etc.). Ten days prior to permit expiration, a notice will be sent advising the responsible parties that the deadline is approaching and the containers must be removed by that time or enforcement action will ensue. Then, when the permit has expired, an inspector will go out and verify the removal or proceed with enforcement action. The BDS and Fire departments will work together to coordinate inspections to minimize sending multiple notices from departments.

To the extent possible staff intends to provide on line services in order to facilitate processing and tracking of permits and registration.

(b) The responsibilities of the container owner and the lessee. Questions were raised at the Planning and Zoning Commission meeting about the responsibility of the person who leases the trailer or storage container. Persons leasing trailers or storage containers are required to remove the trailer or storage container when the permit has expired under 5-1006.G.2.c and are subject to a potential fine of \$300 per day. They object to this requirement because of their potential liability over delays by the tenant in returning the

container and inability to access the container that may still contain materials. In order to address concerns expressed by the Planning and Zoning Commission, businesses and after further review by staff the proposed ordinance has been changed to provide that the lessor would not be responsible for removal until notified by the tenant that the trailer is ready to be removed. This change along with the ability of the lessor to control the terms of the lease should provide adequate protection for the lessor. Examination of one lease by staff suggests that many of the issues of concern were already covered by the terms of existing leases. The change in 5-006.G.2 c is as follows:

"Remove or cause to be removed the trailer or storage container when the permit has expired if they have not been removed, provided the person to whom the permit has been issued has notified the lessor that the trailer or storage container is ready for removal." (underlined language has been added to the bill).

(c) Public involvement on economic impact. In February 2007, a letter along with a survey was mailed to known vendors who leased or sold storage containers. We requested that they provide some information related to their business on a confidential basis. The letter referenced the Administrative Hold enacted by Council and mentioned the pending revision of storage container regulations. Just three surveys were returned with only two of the three reporting any information. The survey did give the vendors an opportunity to ask to be notified of the Community Involvement Committee meetings.

Three Community Involvement Committee meetings held on May 8, June 6, and July 3 were public meetings and the Chair of the committee provided an opportunity for the public to speak. Springfield Chamber of Commerce representatives attended several meetings of the Community Involvement Committee. As a result of the first meeting, two of the vendors retained outside legal counsel who in turn sent letters to these two vendor's customers. We have received several inquires regarding the impact on certain businesses and Howard Wright has responded to those inquires. In several cases, the ordinance had no impact on their operations due to the nature of their business. Councilman Gary Deaver has also had several conversations with concerned business owners; most were not affected by the proposed changes or satisfied with his explanation.

Also, as a result of the public input at these three committee meetings, several amendments were made to the original draft that addressed many of the concerns expressed at those meetings. In light of concerns expressed by the Planning and Zoning Commission and after recently meeting with citizens staff determined that in order to accommodate industry concerns about economic impact that the limit of five units should be deleted from the bill. This would allow one unit per 10,000 square feet of permanent floor space provided there shall be at least 1,000 square feet.

The storage container issue has been on the agenda of the Developer Issues Input Group (DIIG), a Chamber of Commerce sub-committee, since January 2007. The group has been given periodic updates on the progression of the drafting of this ordinance and provided copies of the proposed ordinance and other narratives as they became available.

When the Chamber was contacted regarding this issue, their desire was to have it addressed by only the DIIG sub-committee. We specifically asked if they felt it should be reviewed by their emerging issues group, who has declined to take up this issue thus far.

Of the over 13,000 licensed businesses in Springfield only a few hundred utilize these devices for storage. In considering the policy questions raised by this bill it is important to keep in mind that the existing ordinance adopted in 2000 is much more restrictive than the bill that is being proposed. During this process staff has met with numerous citizen groups and has made changes recommended by the Community Involvement Committee and has tried to address concerns by the Planning and Zoning Commission as noted in this White Paper.



August7, 2009

#### **MEMORANDUM**

TO:

MAYOR AND CITY COUNCIL MEMBERS

FROM:

The Community Involvement Committee

RE:

**Storage Containers** 

DATE:

Monday, August 17, 2009

TIME:

5:30 PM

LOCATION:

Busch Building, 4th Floor Conference Room

#### TENTATIVE AGENDA

- 1. Approve minutes of June 4, 2009 meeting
- 2. Storage Containers –Ralph Rognstad
- 3. Any and all other matters which fall within the jurisdiction of this Committee.

cc: Lisa Harley, City Clerk's Office

In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864 -1443 at least 3 days prior to the scheduled meeting.

# COMMUNITY INVOLVEMENT COMMITTEE

STORAGE CONTAINERS AUGUST 17, 2009

### **OVERVIEW**

- •2000 Ordinance
- History
- •Administrative Delays
- Actions to Consider
- •Issues to Address
- •Q & A

## GENERAL ORDINANCE 5019

- Passed, October 23, 2000
- Amended Chapter 36, Springfield City Code, Article I
  - Zoning, Section 2-1100 Definitions, Section 5-1203
     Temporary Uses and Section 5-1000 Accessory Uses and Structures

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#### **GENERAL ORDINANCE 5019**

- To permit and regulate on-site storage in trailers and storage containers in:
  - General Retail (GR)
  - Highway Commercial (HC)
  - Industrial Commercial (IC) Districts
- The Planning and Zoning Commission recommended denial of the amendment by a vote of o to 7. The Plans and Policies Committee recommended approval of the amendment.

### **GENERAL ORDINANCE 5019**

- Building Development Services was charged with the permit issuance under this ordinance
- Only five permits issued after the 2000 ordinance was nassed
- Generally accepted code enforcement policy in 2000 was defined as "complaint-based enforcement"
- Very few complaints received presumption by citizens that users of containers were in compliance
- By 2006 the number of containers was multiplying no permit applications were received and enforcement action was being requested

#### **HISTORY**

- Beginning in May, 2007, five Community Involvement Committee meetings were held regarding this issue
- On August 13, 2007, Council took up a proposed ordinance which was tabled and referred back to the Community Involvement Committee for further study
- In September and October, 2007 the following public meetings were held:
  - Storage Container Owners/Lessors
  - Large Retailers
  - Manufacturing and Industrial Interests
- Residential/Neighborhood Issues were discussed at all three meetings

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### **HISTORY**

- Final draft of an amended ordinance was forwarded to the Community Involvement Committee in February, 2008
- Public meetings were held on the final draft of the ordinance without successful buy-in from stakeholders
- The Community Involvement Committee met on April
   2, 2008 and agreed to recommend to City Council an extension of the administrative delay for another year

#### **ADMINISTRATIVE DELAY**

- From July, 2006, six administrative delays have been implemented with the last one to expire on September 10, 2009
- The Council chose to provide time for reconsideration of the issue
- Council elections and the Police/Fire Pension issue, as well as other priorities, have resulted in the delay to publically address the issue again

### **ACTIONS TO CONSIDER**

- · Allow the Administrative Delay to Expire
  - BDS will begin to enforce the requirements adopted in 2000 under the Zoning Ordinance
  - Virtually all properties with storage trailers and containers are in violation of the 2000 requirements
  - Storage trailers and containers will only be permitted in the following districts under very stringent requirements:
    - General Retail (GR)
    - Highway Commercial (HC)
    - Industrial Commercial (IC)

#### **ACTIONS TO CONSIDER**

- Repeal requirements adopted in 2000
  - Storage trailers and containers would only be allowed in districts that permit outdoor storage
  - The only location and number of restrictions would be district limitations on outdoor storage
  - General Retail District (GR) would not be permitted

## ACTIONS TO CONSIDER

- Extend the current Administrative Delay for another year to September 10, 2010 by Resolution on August 24, 2009
  - Provide staff and the Community Involvement Committee time to work together to understand all the issues and to study the recommendations in the draft ordinance
  - Committee will provide staff direction on the draft ordinance
  - Committee will provide a recommendation to the full City Council by July, 2010 to meet the expiration of the administrative delay

### **ISSUES TO ADDRESS**

- Conflicts of usage with building and fire codes
- Consider community appearance
- Lost property tax revenue because storage containers and trailers are considered personal property
- Enforcement is difficult because of transient nature of storage trailers and containers
- Temporary versus permanent use
- Determine appropriate requirements for industrial districts
- Determine appropriate use in residential districts
- · Enforcement level

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- · Public meetings were held on the final draft of the ordinance without successful buy-in from stakeholders
- The Community Involvement Committee met on April 2, 2008 and agreed to recommend to City Council an extension of the administrative delay for another year

### **ADMINISTRATIVE DELAY**

- From July, 2006, six administrative delays have been implemented with the last one to expire on September 10, 2009
- The Council chose to provide time for reconsideration of the issue
- Council elections and the Police/Fire Pension issue, as well as other priorities, have resulted in the delay to publically address the issue again

## **ACTIONS TO CONSIDER**

- · Allow the Administrative Delay to Expire
  - BDS will begin to enforce the requirements adopted in 2000 under the Zoning Ordinance
  - Virtually all properties with storage trailers and containers are in violation of the 2000 requirements
  - Storage trailers and containers will only be permitted in the following districts under very stringent requirements:
    - General Retail (GR)
    - Highway Commercial (HC)
    - Industrial Commercial (IC)

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#### **ACTIONS TO CONSIDER**

- Repeal requirements adopted in 2000
  - Storage trailers and containers would only be allowed in districts that permit outdoor storage
  - The only location and number of restrictions would be district limitations on outdoor storage
  - General Retail District (GR) would not be permitted

# ACTIONS TO CONSIDER

## • Extend the current Administrative Delay for another year to September 10, 2010 by Resolution on August 24, 2009

- Provide staff and the Community Involvement Committee time to work together to understand all the issues and to study the recommendations in the draft ordinance
- Committee will provide staff direction on the draft ordinance
- Committee will provide a recommendation to the full City Council by July, 2010 to meet the expiration of the administrative delay

### **ISSUES TO ADDRESS**

- Conflicts of usage with building and fire codes
- Consider community appearance
- Lost property tax revenue because storage containers and trailers are considered personal property
- Enforcement is difficult because of transient nature of storage trailers and containers
- Temporary versus permanent use
- Determine appropriate requirements for industrial districts
- · Determine appropriate use in residential districts
- · Enforcement level


# COMMUNITY INVOLVEMENT COMMITTEE

STORAGE CONTAINERS AUGUST 17, 2009

## OVERVIEW

- •2000 Ordinance
- History
- •Administrative Delays
- Actions to Consider
- •Issues to Address
- •Q & A

#### **GENERAL ORDINANCE 5019**

- Passed, October 23, 2000
- Amended Chapter 36, Springfield City Code, Article I
  - Zoning, Section 2-1100 Definitions, Section 5-1203 Temporary Uses and Section 5-1000 Accessory Uses and Structures

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#### **GENERAL ORDINANCE 5019**

- To permit and regulate on-site storage in trailers and storage containers in:
  - General Retail (GR)
  - Highway Commercial (HC)
  - Industrial Commercial (IC) Districts
- The Planning and Zoning Commission recommended denial of the amendment by a vote of o to 7. The Plans and Policies Committee recommended approval of the amendment.

#### **GENERAL ORDINANCE 5019**

- Building Development Services was charged with the permit issuance under this ordinance
- Only five permits issued after the 2000 ordinance was passed
- Generally accepted code enforcement policy in 2000 was defined as "complaint-based enforcement"
- Very few complaints received presumption by citizens that users of containers were in compliance
- By 2006 the number of containers was multiplying no permit applications were received and enforcement action was being requested

#### **HISTORY**

- Beginning in May, 2007, five Community Involvement Committee meetings were held regarding this issue
- On August 13, 2007, Council took up a proposed ordinance which was tabled and referred back to the Community Involvement Committee for further study
- In September and October, 2007 the following public meetings were held:
  - Storage Container Owners/Lessors
  - Large Retailers
  - Manufacturing and Industrial Interests
- Residential/Neighborhood Issues were discussed at all three meetings

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- · Enforcement level

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#### Honea, Evelyn

From:

Heatherly, Nick

Sent:

Thursday, July 30, 2009 7:36 AM

To: Cc: Honea, Evelyn Rognstad, Ralph

Subject:

Storage Containers

Evelyn, it appears to me that we have two options; 1) Regulate the use and placement, or 2) Don't regulate.

My personal thought is that the only viable option is to regulate the use and placement to some degree to prevent the adverse impact such use and placement can have on adjacent properties, the surrounding neighborhood and the community as a whole. In an urban society where we live in close proximity to each other, actions we take on our property can adversely impact the property of our neighbors. There is probably not a week that goes by that we don't receive calls from neighbors wanting the city to do something about something their neighbor is doing or has done. They expect the City to enforce standards that ensure their welfare is protected, including the value of their property. The extent or degree of regulation would appear to be at the heart of the discussion and it's the details of those regulations that will create the heartburn for some. Additionally, it is a matter of fairness and equity – a business that sets up and uses a half dozen of these in lieu of building the required warehousing/storage building for their products has an unfair edge over a competitor that has built or purchased a larger facility.

#### At a minimum we should:

- 1. Prohibit the placement in the front and side yards.
  - a. On corner lots the placement this would include any area between the street and the building on both the "front" and the "side" of the building, and a neighbor should not have to stare at the blank side of a metal storage container setting 6-inches off of his property line. The short term use for moving and remodeling operations will have to be limited to a certain number of days and be allowed to be in the front and side yards as a matter of practicality.
- 2. Limit the number by limiting the total square footage of storage container foot-print. (this causes some heartburn for the GM and HM users so may need to open this up)
  - a. Limiting by number won't work, as they make numerous sizes and a person could have 6 units of a smaller size that could actually be smaller in area that 1 or 2 units of a larger size.
- 3. Restrict/prohibit the storage of hazardous materials; the building codes set minimum requirements for building safety.
- 4. We DO NOT issue permits, except for the short term type operations that would have a time limit placed on them in the front or side yards. We would set up the on-line permit system we discussed and it could be a no-cost permit but we would have to have either penalties or some form of hammer to enforce should they not comply; but we would enforce without having received a complaint Complaint based enforcement does not work!
- 5. Allow them in all zoning districts (might consider prohibition in residential districts except for the short term type operations)

I'm not sure that we need much more, but the devil is in the details of how this gets written - if we don't write it with the language needed to enforce it – we're wasting our time –keep in mind that lack of enforcement (i.e. complaint based enforcement) is the cause of how we got to where we are now – had we enforced the ordinance on the books we would not be dealing with this at this time!

